

By Mr. SOUTHALL: Paper to accompany bill for relief of W. F. Bowden—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: Petition of Thomas E. Covington et al., St. Paul, Minn., favoring untaxed alcohol—to the Committee on Ways and Means.

Also, petition of Gebhard Bohn, of St. Paul, Minn., favoring untaxed denaturalized alcohol—to the Committee on Ways and Means.

Also, petition of Lodge No. 22, Brotherhood of Railway Trainmen, favoring bill H. R. 7041—to the Committee on Interstate and Foreign Commerce.

By Mr. THOMAS of Ohio: Petition of Lone Star Grange, of Conneaut, Ohio—to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMS of Mississippi: Memorial of North Mississippi conference of the Methodist Episcopal Church, favoring bill H. R. 4072—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Hiram Reagan—to the Committee on Invalid Pensions.

## SENATE.

TUESDAY, January 31, 1905.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

### ELECTORAL VOTES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting the final ascertainment of electors for President and Vice-President for the State of Tennessee; which, with the accompanying paper, was ordered to be filed.

### ANACOSTIA AND POTOMAC RIVER RAILROAD COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Anacostia and Potomac River Railroad Company for the year ended December 31, 1904; which was referred to the Committee on the District of Columbia, and ordered to be printed.

### GEORGETOWN AND TENNALLYTOWN RAILWAY COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Georgetown and Tennallytown Railway Company for the year ended December 31, 1904; which was referred to the Committee on the District of Columbia, and ordered to be printed.

### BRIGHTWOOD RAILWAY COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Brightwood Railway Company, of the District of Columbia, for the year ended December 31, 1904; which was referred to the Committee on the District of Columbia, and ordered to be printed.

### WASHINGTON RAILWAY AND ELECTRIC COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Washington Railway and Electric Company for the year ended December 31, 1904; which was referred to the Committee on the District of Columbia, and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had passed the joint resolution (S. R. 88) authorizing the Secretary of War to furnish a condemned cannon to the board of regents of the University of Minnesota, at Minneapolis, Minn., to be placed on campus as a memorial to students of said university who served in Spanish war.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 2531. An act to divide Washington into two judicial districts;

H. R. 13305. An act granting an increase of pension to Amos L. Griffith;

H. R. 15861. An act granting an increase of pension to Charles O. Lapham;

H. R. 17902. An act to permit the legislative assembly of the Territory of Oklahoma to make appropriations for the erection of buildings for the Agricultural and Mechanical College of said Territory; and

H. R. 18523. An act making an appropriation for fuel for the public schools of the District of Columbia.

The message further announced that the House had agreed to

the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15895) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes.

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President pro tempore:

H. R. 3950. An act for the relief of W. R. Akers, of Alliance, Nebr.;

H. R. 6375. An act for the relief of the executors of the estate of Henry Lee, deceased;

H. R. 11370. An act to relieve the Italian-Swiss Agricultural Colony from the internal-revenue tax on certain spirits destroyed by fire;

H. R. 16311. An act granting an increase of pension to Morris Del Dowane;

H. R. 16790. An act making Norwalk, Conn., a subport of entry;

H. R. 17333. An act to authorize the construction of a bridge across Red River at Shreveport, La.;

S. R. 94. Joint resolution to enable the Secretary of the Senate and Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States March 4, 1905;

S. R. 97. Joint resolution providing for the payment of the expenses of the Senate in the impeachment trial of Charles Swayne;

H. J. Res. 164. Joint resolution for the printing of a compilation of the laws of the United States relating to the improvement of rivers and harbors; and

H. J. Res. 181. Joint resolution authorizing the Secretary of War to transfer to the militia cavalry organization at Chattanooga, Tenn., a certain unused portion of the national cemetery reservation at Chattanooga, Tenn.

### CREDENTIALS.

Mr. CARMACK presented the credentials of WILLIAM B. BATE, chosen by the legislature of the State of Tennessee a Senator from that State for the term beginning March 4, 1905; which were read and ordered to be filed.

### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of sundry citizens of Lockport, Pa., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Beach, Ind. T., remonstrating against the passage of the so-called "statehood bill;" which was ordered to lie on the table.

He also presented a petition of sundry citizens of the United States, praying for the enactment of legislation to restrict the immigration of aliens into the United States; which was referred to the Committee on Immigration.

He also presented a memorial of sundry citizens of Charlottesville, W. Va., remonstrating against the enactment of legislation providing for the closing on Sunday of certain places of business in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. PERKINS presented a petition of the Chamber of Commerce of Humboldt, Cal., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Merchants' Association of San Francisco, Cal., praying that an appropriation be made to provide for the construction of an additional tug for the revenue service at that port; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of Humboldt, Cal., praying that a part of the redwood forests of California be set apart as a forest reserve; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of sundry sugar-beet farmers of Monterey County, Cal., and a memorial of sundry sugar-beet farmers of Pajaro Valley, Cal., remonstrating against the proposed reduction of the duty on sugar imported from the Philippine Islands; which were referred to the Committee on the Philippines.

Mr. GAMBLE presented the petition of Joshua D. Hofer and sundry other citizens of Marion, S. Dak., praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which was referred to the Committee on Patents.

He also presented the petition of Willis Wright and 37 other citizens of Sioux Falls, S. Dak., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the Territory of Oklahoma when admitted to statehood; which was ordered to lie on the table.

He also presented the petition of Elizabeth Slyfield and sundry other citizens of Nemo, S. Dak., and the petition of Susan A. Reynolds and sundry other citizens of Rapid City, S. Dak., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, and also to prohibit the manufacture and sale of intoxicating liquors in the Territory of Oklahoma when admitted to statehood; which were referred to the Committee on the Judiciary.

Mr. KEAN presented a memorial of the State board of agriculture of New Jersey, remonstrating against the repeal of the present oleomargarine law; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Protective Lodge, No. 2, Brotherhood of Railway Trainmen, of Phillipsburg, N. J., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Stewart Hartshorn Company, of East Newark, N. J., praying for the enactment of legislation providing for the registration of trade-marks used in commerce with foreign nations or of the several States and Territories; which was referred to the Committee on Patents.

He also presented petitions of Dr. J. H. Finnerty, of Jersey City; of J. G. Block, of Jersey City, and of the Retail Druggists' Association of Jersey City, all in the State of New Jersey, praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which were referred to the Committee on Patents.

He also presented memorials of Mrs. A. M. Robbins, of Windsor; of Mrs. Anna K. Walton, of Woodbury; of the congregation of the First Methodist Episcopal Church of Cape May; of W. E. Comog, of Flemington; of Rev. Howard H. Brown, of Orange; of the Woman's Christian Temperance Union of Ocean Grove; of Ulysses Young, of Orange; of John Berryman, of East Orange; of the congregation of St. Paul's Church, of Ocean Grove, and of J. H. C. Applegate, of Bridgeton, all in the State of New Jersey, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

Mr. DRYDEN presented the petition of Theo. J. Werner, of East Orange, N. J., praying for the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a memorial of the State Board of Agriculture of New Jersey, remonstrating against the repeal of the present oleomargarine law; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Stewart Hartshorn Company, of East Newark, N. J., praying for the enactment of legislation providing for the registration of trade-marks used in commerce with foreign nations or of the several States and Territories; which was referred to the Committee on Patents.

He also presented a petition of Protection Lodge, No. 2, Brotherhood of Railroad Trainmen, of Phillipsburg, N. J., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented the petition of J. S. Block, of Jersey City, N. J., praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which was referred to the Committee on Patents.

He also presented a petition of sundry citizens of Lumberton, N. J., and a petition of the National Congress of Mothers, praying for an investigation of the charges made and filed against Hon. REED SMOOR, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a memorial of the Woman's Christian Temperance Union of Elizabeth, N. J., remonstrating against the repeal of the present anticanteen law, and praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, for the adoption of an amendment to the Constitution to prohibit polygamy, and for an investigation of the charges made and filed against Hon. REED SMOOR, a Senator from the State of Utah; which was referred to the Committee on Military Affairs.

Mr. BALL presented a petition of the Philanthropic Committee of the Quarterly Meeting of Friends of Concord, N. H., and a petition of the Philanthropic Committee of the Monthly Meeting of Friends of Wilmington, Del., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the Philanthropic Committee of

the Quarterly Meeting of Friends of Wilmington, Del., praying for the enactment of legislation providing protection to Indians against the sale of intoxicating liquors in the new States to be formed; which was ordered to lie on the table.

He also presented a petition of the Philanthropic Committee of the Quarterly Meeting of Friends of Wilmington, Del., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings, grounds, and ships; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the Philanthropic Committee of the Monthly Meeting of Friends of Wilmington, Del., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Wilmington, Del., remonstrating against the enactment of legislation providing for continued expenditure of the nation's money for military purposes; which was referred to the Committee on Military Affairs.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Short Falls, N. H., praying for an investigation of the charges made and filed against Hon. REED SMOOR, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Holbrook Grocery Company, of Keene, N. H., praying for the enactment of legislation to increase the salaries of tea examiners at the various ports of the United States; which was referred to the Committee on Appropriations.

He also presented petitions of the Young Men's Christian Association of Washington, D. C.; of Charles F. Weller, of Washington, D. C.; of the Massachusetts Mutual Life Insurance Company, of Washington, D. C., and of the Cosmos Club, of Washington, D. C., praying that an appropriation be made for the establishment of public playgrounds in that city; which were referred to the Committee on the District of Columbia.

Mr. BEVERIDGE presented a petition of Post J, Indiana Division, Travelers' Protective Association of America, of Evansville, Ind., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Heilman Machine Works, of Evansville, Ind., praying for the enactment of legislation providing for the registration of trade-marks used in commerce with foreign nations or of the several States and Territories; which was referred to the Committee on Patents.

He also presented a memorial of sundry citizens of Denver, Ind., and a memorial of sundry citizens of Owen County, Ind., remonstrating against the enactment of legislation providing for the closing on Sunday of certain places of business in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Alexandria, Ind., and a petition of sundry citizens of Bluffton, Ind., praying for the enactment of legislation providing for the holding of terms of the Federal courts at the city of Muncie, in that State; which were referred to the Committee on the Judiciary.

Mr. DOLLIVER presented the petition of W. S. Browning and sundry other citizens of Winfield, Iowa, praying for the enactment of legislation to fix the rates of postage on books and merchandise; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LONG presented a petition of L. W. Parr Division, No. 396, Brotherhood of Locomotive Engineers, of Argentine, Kans., and a petition of Local Division No. 300, Order of Railway Conductors, of Dodge City, Kans., praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Burlington, Kans., and a memorial of sundry citizens of Rush County, Kans., remonstrating against the enactment of legislation providing for the closing on Sunday of certain places of business in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. McCUMBER presented a memorial of the legislature of North Dakota, remonstrating against any reduction in the duty on foreign products and on seed wheat imported from the Canadian northwest; which was referred to the Committee on Finance.

He also presented a memorial of the legislature of North Dakota, relative to the protection of the grain growers of the Northwest against the injustice in admitting free of duty foreign-grown wheat; which was referred to the Committee on Finance.

Mr. MARTIN presented a petition of sundry citizens of Albemarle County, Va., relative to the work of missions in the



Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. NELSON presented a memorial of sundry citizens of Minnesota, remonstrating against the repeal of the present antitea law; which was referred to the Committee on Military Affairs.

He also presented a petition of Minneapolis Lodge, No. 102, Brotherhood of Railroad Trainmen, of Minneapolis, Minn., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Tri-State Grain and Stock Growers' Association, of Minnesota, North and South Dakota, remonstrating against the repeal of the present oleomargarine law; which was referred to the Committee on Agriculture and Forestry.

Mr. HANSBROUGH presented a concurrent resolution of the legislature of North Dakota, relative to the reduction of any duty on foreign products and on seed wheat imported from the Canadian northwest; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Concurrent resolution introduced by Mr. Phelan.

Whereas the organized and persistent agitation for reduction of the tariff on foreign products, so apparent in Twin City papers, is leading Government officials and others to believe that the Northwest, including North Dakota, is favorable to action detrimental to every interest in this State; and

Whereas such agitation leads to unrest and undermining of confidence in farm and ranch investments, and ultimately, if persisted in, will impair the value of farm products and the revenue resulting to merchants and transportation interests, retarding the development of new land and unsettled regions of our State; and

Whereas part of the agitation has resulted in a plea for free seed wheat from the Canadian northwest, where, according to Professor Bolley, northwest and westward from Valley City, this State has seldom raised so fine a crop of wheat of so high seed value, and the supply of such seed wheat is ample for North Dakota farms: Therefore,

Resolved by the house of representatives of the ninth assembly of the State of North Dakota, the senate concurring, That we oppose any and all tinkering with the tariff or the granting of special privileges favorable to special interests not in harmony with the spirit and letter of the Dingley tariff governing farm products, and that we oppose any reduction of duty on wheat for seed or other purposes, or on other products of the range and farm.

Resolved, That an engrossed copy of these resolutions be forwarded to the President and honorable Secretary of the Treasury, and to each of our Senators and Members of Congress.

Mr. HANSBROUGH presented a concurrent resolution of the legislature of North Dakota relative to the protection of the grain growers of the Northwest against the injustice in admitting free of duty foreign-grown wheat; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Concurrent resolution introduced by Mr. Davis.

Whereas it is currently reported that the Millers' Association has made application to the Treasury Department at Washington for a ruling under which foreign-grown wheat may be imported under the provisions of section 30 of the Dingley tariff law; and

Whereas the effect of the granting of said application, in our opinion, would be to practically nullify paragraph 234 of said law, which provides for a specific duty on wheat imports of 25 cents per bushel; and

Whereas the opinions of the Department of Justice on the question of drawbacks upon imported materials to be used in articles manufactured for export are lacking in uniformity, at least one of said opinions holding to the view that materials so imported for such use "shall so appear in the completed article that the quantity or measure thereof may be ascertained" (this, in fact, being the letter of the law): Therefore,

Resolved by the house of representatives of the ninth legislative assembly of the State of North Dakota, the senate concurring, That we firmly protest against the granting of the application of the said millers and urge upon our delegation in Congress the importance of proceeding in every reasonable way to protect the grain growers of the Northwest against the injustice that we are convinced would follow the success of any scheme for the free admission of foreign-grown wheat.

Resolved, That an engrossed copy of these resolutions be forwarded to the honorable Secretary of the Treasury and to each of our Senators and Members in Congress.

Mr. PLATT of Connecticut. I present a joint resolution of the legislature of Connecticut, relative to the retirement of Gen. Joseph R. Hawley. I ask that the joint resolution may be read and referred to the Committee on Military Affairs.

There being no objection, the joint resolution was read, and referred to the Committee on Military Affairs, as follows:

STATE OF CONNECTICUT, OFFICE OF THE SECRETARY,  
General Assembly, January session, A. D. 1905.

Senate joint resolution No. 26. Resolution concerning the retirement of Gen. Joseph R. Hawley.

Resolved by this assembly, That our Senators and Representatives in Congress be, and they are hereby, requested to use their best endeavors to have Hon. Joseph R. Hawley retired as an officer in the Regular Army with such rank and emoluments as his distinguished service entitles him to.

Passed senate January 19, 1905.

Passed house January 23, 1905.

STATE OF CONNECTICUT, Office of the Secretary, ss:

I, Theodore Bodenwein, secretary of the State of Connecticut and keeper of the seal thereof and of the original record of the acts and resolutions of the general assembly of said State, do hereby certify that I have compared the annexed copy of the resolution concerning the retirement of Gen. Joseph R. Hawley with the original record of the same now remaining in this office and have found the said copy to be a correct and complete transcript thereof.

And I further certify that the said original record is a public record of the said State of Connecticut, now remaining in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of said State, at Hartford, this 24th day of January, 1905.

[SEAL.]

THEODORE BODENWEIN, Secretary.

#### REPORTS OF COMMITTEES.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the amendment submitted by Mr. ALDRICH on the 21st instant, proposing to appropriate \$1,500 for salary of consul at Colonia, Uruguay, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. PLATT of New York on the 30th instant, proposing to increase the salary of the consul at Tenerife, Spain, from \$1,500 to \$2,000 per annum, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. TALIAFERRO, from the Committee on Claims, to whom was referred the bill (S. 621) for the relief of Fernando J. Moreno, reported it with an amendment, and submitted a report thereon.

Mr. BALL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5493) granting an increase of pension to Charles S. Kerns;

A bill (H. R. 15685) granting an increase of pension to Elizabeth Krehbiel;

A bill (H. R. 15710) granting an increase of pension to Luther W. Cannon;

A bill (H. R. 15768) granting an increase of pension to R. Howard Wallace;

A bill (H. R. 14485) granting a pension to Charlotte M. Wylie;

A bill (H. R. 15633) granting an increase of pension to Henry King;

A bill (H. R. 15632) granting an increase of pension to Barney Carroll;

A bill (H. R. 15631) granting an increase of pension to John Brooks;

A bill (H. R. 15491) granting a pension to Theresa M. Kennedy;

A bill (H. R. 16140) granting an increase of pension to Nelson A. Fitts;

A bill (H. R. 16490) granting an increase of pension to Green Yeiser;

A bill (H. R. 16544) granting an increase of pension to Varner G. Root;

A bill (H. R. 15903) granting an increase of pension to George T. Barker;

A bill (H. R. 16054) granting an increase of pension to Patrick O'Brien;

A bill (H. R. 16175) granting an increase of pension to Merriek D. Frost;

A bill (H. R. 16455) granting an increase of pension to Elizabeth M. Ketcham;

A bill (H. R. 16813) granting an increase of pension to Laura A. Hinkley;

A bill (H. R. 16953) granting an increase of pension to John Ryan; and

A bill (H. R. 17162) granting an increase of pension to Thomas Dukes.

Mr. MARTIN, from the Committee on the District of Columbia, to whom was referred the bill (S. 6241) to provide for condemning the necessary land to join Kalorama avenue and Prescott place, reported it without amendment, and submitted a report thereon.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (H. R. 14351) for the relief of the Gull River Lumber Company, its assigns or successors in interest, asked to be discharged from its further consideration, and that it be referred to the Committee on Commerce; which was agreed to.

Mr. FRYE, from the Committee on Foreign Relations, to whom was referred the amendment submitted by himself on the

27th instant, proposing to increase the salary of the consul at Cal-lao, Peru, to \$3,500, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

#### REPORT ON VENEZUELAN CASES.

Mr. CULLOM, from the Committee on Foreign Relations, reported the following concurrent resolution; which was referred to the Committee on Printing:

*Resolved by the Senate (the House of Representatives concurring therein), That there be printed and bound 1,100 copies of the report of the agent of the United States in the arbitration of the Venezuelan cases before The Hague tribunal, with accompanying appendixes, referred to in the message of the President to the Senate and House of Representatives, dated January 23, 1905, 200 for the use of the Senate, 400 for the use of the House of Representatives, and 500 for use of the Department of State.*

#### PREVENTION OF CARRIAGE OF OBSCENE LITERATURE, ETC.

Mr. CLAPP. From the Committee on Interstate Commerce I report back favorably, without amendment, the bill (H. R. 9493) to amend the act of February 8, 1897, entitled "An act to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory," so as to prevent the importation and exportation of the same, and I ask unanimous consent for its present consideration.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

Mr. LODGE. I did not hear the first part of the bill. My attention was distracted. The Secretary will kindly read the title and Calendar number.

The PRESIDENT pro tempore. It is reported to-day from the Committee on Interstate Commerce. It has no Calendar number.

Mr. KEAN. Let it go to the Calendar.

The PRESIDENT pro tempore. Objection being made, the bill goes to the Calendar.

Mr. CLAPP. What Senator objected?

Mr. LODGE. I did not object. I merely wanted to know something about the bill.

The PRESIDENT pro tempore. The Senator from New Jersey [Mr. KEAN] objected.

Mr. CLAPP. It is a bill similar to one which passed the Senate last winter and went to the House. The House instead of passing our bill sent their bill here. So we are now proposing to pass the House bill.

Mr. LODGE. Can the Senator tell me what the purpose of the bill is?

Mr. CLAPP. It is to apply the same restrictions on the carriage of obscene matter by express companies, etc., that are now applied under the postal laws to the carriage of that matter by mail carriers.

Mr. LODGE. I have no objection to the bill.

Mr. KEAN. Let the bill be again read.

Mr. GALLINGER. It applies to express companies particularly.

The PRESIDENT pro tempore. The bill will be again read if the Senator from New Jersey desires it.

Mr. KEAN. Let it be read.

The Secretary again read the bill.

Mr. KEAN. It is all right, Mr. President.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CLAPP. I move to recall from the House of Representatives the bill (S. 3431) to amend the act of February 8, 1897, entitled "An act to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory," so as to prevent the importation and exportation of the same.

The motion was agreed to.

#### BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. PLATT of New York introduced a bill (S. 6953) granting a pension to Eliza S. Roe; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 6954) for the relief of the trustees of the Christian Church of Marshall, Mo.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6955) granting a pension to Frederick Hartman; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the peti-

tion of Frederick Hartman, late private, Company B, Fifty-sixth Regiment Enrolled Missouri Militia, and the affidavits of Dr. Benjamin R. Hempstead. I move that the bill and the accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. BLACKBURN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6956) granting an increase of pension to William Annis (with an accompanying paper); and

A bill (S. 6957) granting an increase of pension to John Jones, jr. (with an accompanying paper).

Mr. OVERMAN introduced a bill (S. 6958) granting an increase of pension to Stephen M. Davis; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MARTIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6959) for the relief of the trustees of the New Hope Baptist Church, of Orange County, Va.;

A bill (S. 6960) for the relief of the estate of William D. Wright, deceased;

A bill (S. 6961) for the relief of the estate of William A. Coffman, deceased;

A bill (S. 6962) for the relief of the estate of Susan Richards, deceased;

A bill (S. 6963) for the relief of the estate of Joseph Blosser, deceased; and

A bill (S. 6964) for the relief of the heirs of Ambrose Hord, deceased (with accompanying papers).

Mr. LODGE introduced a bill (S. 6965) to promote the security of travel upon railroads engaged in interstate commerce, and to encourage the saving of life; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. McCUMBER introduced a bill (S. 6966) granting an increase of pension to Peter A. Purdy; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6967) to create the southern division of the judicial district of North Dakota for judicial purposes, and to fix the time and place for holding court therein; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (S. 6968) to amend section 605 of the Code of Law for the District of Columbia (with an accompanying paper); and

A bill (S. 6969) to amend an act entitled "An act to establish a Code of Law for the District of Columbia" (with an accompanying paper).

Mr. HALE introduced a bill (S. 6970) providing for the award of medals of honor to certain officers and men of the Navy and Marine Corps; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. CARMACK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6971) for the relief of J. C. Brooks (with accompanying papers);

A bill (S. 6972) for the relief of Washington Campbell (with accompanying papers); and

A bill (S. 6973) for the relief of the estate of James L. Paul, deceased (with accompanying papers).

Mr. DOLLIVER introduced a bill (S. 6974) for the establishment of an additional recording district in the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HEYBURN introduced a bill (S. 6975) to amend section 2 of an act entitled "An act to extend the coal-land laws to the district of Alaska," approved June 6, 1900, amended April 28, 1904; which was read twice by its title, and referred to the Committee on Mines and Mining.

Mr. DRYDEN introduced a bill (S. 6976) granting a pension to Joseph L. Herron; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 6977) for the relief of the heirs of Hiram B. Elliott; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6978) to authorize electric railway, light, and power companies to construct dams across non-navigable streams in Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. TALIAFERRO introduced a bill (S. 6979) granting an increase of pension to Milton A. Smith; which was read twice



by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BURNHAM introduced a bill (S. 6980) to aid in the construction of a railroad and telegraph and telephone line in the Territory of Alaska; which was read twice by its title, and referred to the Committee on Territories.

Mr. ALGER introduced a bill (S. 6981) granting a pension to Charles H. Van Duzen; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of Connecticut introduced a bill (S. 6982) regulating corporations created by acts of Congress in certain cases; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CULLOM introduced a bill (S. 6983) to establish a light and fog-signal station at the entrance of Resurrection Bay, Alaska; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GAMBLE introduced a joint resolution (S. R. 102) authorizing the Secretary of War to furnish a condemned cannon to the board of regents of the University of South Dakota at Vermillion, S. Dak., to be placed on the campus of said institution as a memorial to students of said university who served in the Spanish-American war; which was read twice by its title, and referred to the Committee on Military Affairs.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. FULTON submitted an amendment providing for the adjudication by the Court of Claims of the claim of the firm of Riley, Hardin & Taylor, in Grant County, Oreg., for injuries and losses sustained in June, 1878, by a raid of Bannock, Shoshone, and Piute Indians, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate \$10,698.30 to reimburse the Canadian Pacific Railway Company for cost of maintenance of alleged native-born Chinese in the years 1903 and 1904, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. NELSON submitted an amendment proposing to increase the salary of the consul at Bergen, Norway, from \$1,500 to \$2,000 per annum, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. HALE submitted an amendment proposing to appropriate \$200,000 from money in the Treasury due the estates of deceased colored soldiers, to build a memorial national home in honor of deceased colored soldiers of the late civil war, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. LONG submitted an amendment granting to electric railway, light, and power companies doing business within the limits of the Indian Territory the right of constructing and maintaining dams across nonnavigable streams, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. McCUMBER submitted an amendment relative to the repeal of the provision in the Indian appropriation act of 1904 authorizing the Secretary of the Interior to sell the residue of the lands of the Creeks not taken as allotments, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

#### ST. JOHNS RIVER (FLORIDA) IMPROVEMENT.

Mr. TALIAFERRO submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved by the Senate,* That the Secretary of War be, and he is hereby, directed to communicate to the Senate an estimate of the cost of obtaining a depth of 24 feet of water in the St. Johns River, Florida, from the channel of said river opposite Jacksonville to the pier line of the city of Jacksonville, Fla., as established by the Government.

#### FORTIFICATION'S APPROPRIATION BILL.

Mr. PERKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17094) "making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes," having met, after full and free conference have

agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2 and 4, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the matter inserted by the said amendment, insert the following: "For construction of fire-control stations and accessories, including purchase of lands and rights of way, and for the purchase, installation, operation, and maintenance of necessary lines and means of electrical communication, including telephones, dial, and other telegraphs, wiring and all special instruments, apparatus and materials, coast signal apparatus, and salaries of electrical experts, engineers, and other necessary employees connected with the use of Coast Artillery; for the purchase, manufacture, and test of range finders and other instruments for fire control at the fortifications, and the machinery necessary for their manufacture at the arsenals, one million dollars;" and the Senate agree to the same.

On amendment numbered 3 the conference committee have been unable to agree.

GEO. C. PERKINS,

F. E. WARREN,

JOHN W. DANIEL,

*Managers on the part of the Senate.*

L. N. LITTAUER,

GEO. W. TAYLOR,

*Managers on the part of the House.*

The report was agreed to.

#### HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

H. R. 13305. An act granting an increase of pension to Amos L. Griffith; and

H. R. 15861. An act granting an increase of pension to Charles O. Lapham.

H. R. 2531, an act to divide Washington into two judicial districts, was read twice by its title, and referred to the Committee on the Judiciary.

H. R. 17992, an act to permit the legislative assembly of the Territory of Oklahoma to make appropriations for the erection of buildings for the agricultural and mechanical college of said Territory, was read twice by its title, and referred to the Committee on Territories.

H. R. 18523, an act making an appropriation for fuel for the public schools of the District of Columbia, was read twice by its title, and referred to the Committee on the District of Columbia.

#### MARTIN T. CROSS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 6351) granting an increase of pension to Martin T. Cross.

The amendment of the House was, in line 9, before the word "dollars," to strike out "fifty" and insert "thirty."

Mr. McCUMBER. I move that the Senate disagree to the amendment of the House and ask for a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. McCUMBER, Mr. SCOTT, and Mr. TALIAFERRO were appointed.

#### FLORENCE O. WHITMAN.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 5947) granting an increase of pension to Florence O. Whitman.

The amendment of the House was, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-five."

Mr. McCUMBER. I move that the Senate disagree to the House amendment and request a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. McCUMBER, Mr. SCOTT, and Mr. TALIAFERRO were appointed.

#### ANNE E. WILSON.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 6152) granting an increase of pension to Anne E. Wilson.

The amendment of the House was, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty."

Mr. McCUMBER. I make the same motion in reference to this bill.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. McCUMBER, Mr. SCOTT, and Mr. TALLAFERRO were appointed.

PHILIP LAWOTTE.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 5732) granting a pension to Philip Lawotte.

The amendment of the House was, in line 7, before the word "dollars," to strike out "twenty" and insert "eight."

Mr. McCUMBER. I make the same motion in reference to this bill.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. McCUMBER, Mr. SCOTT, and Mr. TALLAFERRO were appointed.

CORPORATIONS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask leave, out of order, to make a favorable report from the Committee on the District of Columbia. I report back without amendment the bill (H. R. 18035) to amend section 552 of the Code of Laws of the District of Columbia, relating to incorporations.

In some observations I made on yesterday I suggested that I withheld the report for the purpose of amending it touching the companies that had already been incorporated and concerning which there is a great deal of objection. I find it impossible to prepare an amendment or to have one prepared immediately, and it has occurred to me that we had better pass this bill, arresting the charters for these incorporations, and subsequently another bill will be introduced covering the other phase of the question.

I ask for the present consideration of the bill.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator to make the report at this time. The report will be received.

Mr. GALLINGER. I ask consent for the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be read to the Senate for information.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. BACON. Mr. President, I desire to make an inquiry of the Senator from New Hampshire. We had a very interesting and earnest message from the President of the United States upon the subject of these District of Columbia incorporations—a message which I confess I have not had the opportunity to examine very thoroughly, but the importance of which I recognize even from the casual inspection or hearing of it. I wish to ask the Senator from New Hampshire whether or not this bill in any manner cures any of the troubles which are set forth in the message of the President?

Mr. GALLINGER. I will say to the Senator that it will arrest the formation of corporations, but it does not deal with those already chartered.

I will say further to the Senator that some of the lawyers of the Senate are giving that matter consideration, and I notice that the chairman of the Judiciary Committee of the House on yesterday introduced a bill covering that point. I do not know whether the bill is adequate or not.

Mr. BACON. That was the purpose of the inquiry which I made. I did not know whether the chairman of the committee thought that the passage of this bill met the difficulties and would cure the evils set forth in the message of the President, or whether it is simply in that direction and the Senator anticipates that there will be further correction in the other legislation which is now in contemplation.

Mr. GALLINGER. That is the purpose of the Senator from New Hampshire, I will say to the Senator from Georgia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PLATT of Connecticut subsequently said: I introduce a bill regulating corporations created by acts of Congress in certain cases. The matter was called to our attention yesterday by a message of the President, and it is important. I do not know that I subscribe to all the provisions of this bill, but I desire to introduce it in order that the subject may be considered.

The bill (S. 6982) regulating corporations created by acts of Congress in certain cases was read twice by its title.

Mr. GALLINGER. Mr. President, that is a bill which pro-

poses to deal with existing corporations. The other bills on the subject were referred to the Committee on the District of Columbia, but I move that the bill introduced by the Senator from Connecticut be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. GALLINGER. In this connection, Mr. President, I ask that the Committee on the District of Columbia may be relieved from the further consideration of the message of the President pertaining to the same subject and that the message be referred to the Committee on the Judiciary.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Senator from New Hampshire asks unanimous consent that the Committee on the District of Columbia be discharged from the further consideration of the message of the President received yesterday on this subject and that it be referred to the Committee on the Judiciary. Without objection, it will be so ordered.

OWNERSHIP OF REAL ESTATE BY ALIENS.

The PRESIDENT pro tempore. The Calendar under Rule VIII is in order.

The bill (S. 1258) to amend the act entitled "An act to better define and regulate the rights of aliens to hold and own real estate in the Territories," approved March 2, 1897, was announced as first in order on the Calendar; and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend the act entitled "An act to better define and regulate the rights of aliens to hold and own real estate in the Territories," approved March 2, 1897, so as to extend to aliens the same rights and privileges concerning the acquisition, holding, owning, and disposition of real estate in the District of Columbia as by that act are conferred upon them in respect of real estate in the Territories of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PREVENTION OF CRUELTY TO ANIMALS.

The bill (H. R. 10417) to prevent cruelty to certain animals in the District of Columbia, was announced as next in order on the Calendar.

Mr. HALE. Mr. President, let the bill go to the Calendar under Rule IX.

The PRESIDENT pro tempore. Objection is made, and the bill will go to the Calendar under Rule IX.

THE MERCHANT MARINE.

The bill (S. 5543) creating a commission to consider and recommend legislation for the development of the American merchant marine, and for other purposes, was announced as next in order on the Calendar.

The PRESIDENT pro tempore. This bill may as well be indefinitely postponed. It provides for the creation of a commission, and that commission has been created and made its report.

Mr. GALLINGER. It ought to be indefinitely postponed.

The PRESIDENT pro tempore. So this bill, reported by me from the Committee on Commerce, may be indefinitely postponed. It is so ordered.

PUBLIC CONVENIENCE STATIONS.

The bill (S. 4156) for the establishment of public convenience stations and bath houses was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 2, on page 1, line 10, after the words "District of Columbia," to insert:

And the jurisdiction and control of such portion of any public reservation so selected as shall be required for the location of such stations and their purchase is hereby transferred from the Chief of Engineers of the United States Army to the Commissioners of the District of Columbia, such transfer to take effect from the date of notice by the said Commissioners to the Chief of Engineers of the United States Army of the location of sites of such stations.

The amendment was agreed to.

The next amendment was to strike out section 3, in the following words:

SEC. 3. That the said Commissioners are hereby authorized and empowered to construct and establish two public baths, the pools in each to be at least 50 feet square, with proper buildings, constructed of brick or stone, to inclose them.

The amendment was agreed to.

The next amendment was to strike out section 4, in the following words:

SEC. 4. That the location of the said public baths shall be selected by the said Commissioners.

The amendment was agreed to.



The next amendment was to strike out section 5, in the following words:

SEC. 5. That the said Commissioners are hereby authorized and empowered to acquire the ground necessary for the construction of the said public baths either by purchase or by condemnation proceedings. The amendment was agreed to.

The next amendment was, in section 6 (3), page 2, line 19, after the word "stations," to strike out "and public baths;" so as to make the section read:

SEC. 3. That upon the construction and establishment of said public convenience stations the said Commissioners are further authorized and empowered to make all necessary rules and regulations for the management of the same, as well as to fix the charge, if any, to be made for the use of these conveniences.

The amendment was agreed to.

The next amendment was, in section 7 (4), page 2, line 25, after the word "stations," to strike out the words "and for the purpose of acquiring the necessary ground and constructing and establishing the said public baths;" on page 3, line 3, before the word "thousand," to strike out "two hundred and forty" and insert "fifty;" and in line 4, after the word "appropriated," to strike out the words "out of any money in the United States Treasury not otherwise appropriated;" so as to read:

SEC. 4. That for the purpose of constructing and establishing the said public convenience stations the sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated, to be immediately available and to be expended by said Commissioners.

The amendment was agreed to.

The next amendment was to add to section 4 the following:

And for the purpose of care and maintenance of the same during the fiscal year ending June 30, 1905, the sum of \$5,000, or so much thereof as may be necessary, is hereby appropriated, and to be expended by said Commissioners, one half of the entire sum herein appropriated to be paid out of any money in the Treasury of the United States not otherwise appropriated, the other half to be paid out of the revenues of the District of Columbia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the establishment of public convenience stations in the District of Columbia."

#### ELECTION OF SENATORS.

The bill (S. 2973) to amend section 14 of the Revised Statutes of the United States, prescribing the time when Senators of the United States shall be elected, was announced as next in order.

Mr. BURROWS. Let the bill be passed over without prejudice.

The PRESIDENT pro tempore. The bill will go over without prejudice.

#### HENRY B. WISE.

The bill (S. 3070) granting an honorable discharge to Henry B. Wise, alias Henry W. Bach, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to add at the end the following proviso:

*Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

So as to make the bill read:

*Be it enacted, etc.*, That the Secretary of War is hereby directed to grant an honorable discharge to Henry B. Wise, alias Henry W. Bach, late a captain of Company H, Thirty-ninth Regiment United States Colored Infantry: *Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. TELLER. I wish to call the attention of the Senate to the fact that the House has passed a similar bill, and I should like to have it substituted for the Senate bill. It is House bill 14906.

The PRESIDENT pro tempore. What is the Calendar number of the House bill?

Mr. TELLER. The bill passed the House, I think, yesterday. If the Senate bill can be passed over without any final action for a few moments, I have sent for the House bill, which passed the House yesterday. The House bill is the same as the Senate bill.

The PRESIDENT pro tempore. The House bill is not on the Calendar?

Mr. TELLER. No; it has not reached the Calendar yet.

The PRESIDENT pro tempore. The House bill is now before the Committee on Military Affairs.

Mr. TELLER. The Committee on Military Affairs has re-

ported the Senate bill favorably, and I should like to have the House bill substituted for it.

The PRESIDENT pro tempore. Then the Senator had better ask unanimous consent that the vote by which Senate bill 3070 has just been passed may be reconsidered, and that the bill be passed over without prejudice.

Mr. TELLER. I will make that request, Mr. President.

The PRESIDENT pro tempore. Is there objection to the request? The Chair hears none, and the several votes by which the bill was ordered to be engrossed for a third reading, read the third time, and passed will be reconsidered, and the bill will be passed over without prejudice.

Mr. TELLER subsequently said: Mr. President, I now have the bill (H. R. 14906) for the relief of H. B. Wise, which I understand has been referred to the Committee on Military Affairs. This bill is identical with the Senate bill which the committee have heretofore reported. I therefore ask unanimous consent that the committee may be discharged from the further consideration of the House bill, and that I may substitute the Senate bill.

Mr. COCKRELL. No; but consider and pass the House bill.

Mr. TELLER. Yes; consider the House bill, and then the Senate bill may be indefinitely postponed.

The PRESIDENT pro tempore. The Senator from Colorado asks unanimous consent that the Committee on Military Affairs be discharged from the further consideration of the bill (H. R. 14906) for the relief of H. B. Wise. Is there objection? The Chair hears none, and the committee is discharged.

Mr. TELLER. I now ask unanimous consent for the present consideration of the House bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14906) for the relief of H. B. Wise. It proposes that Henry B. Wise, who served under the name of Henry W. Bach, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as captain of Company H, Thirty-ninth Regiment United States Colored Infantry, on the 20th day of July, 1864; but no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The Senate bill on the same subject, being the bill (S. 3070) granting an honorable discharge to Henry B. Wise, alias Henry W. Bach, will be indefinitely postponed in the absence of objection.

#### PROPOSED REVISION OF PENSION LAWS.

The next business in order was the joint resolution (S. R. 195) directing the Secretary of the Interior to have prepared and report to the Senate at the December session, 1904, a proposed revision of the pension laws applicable to all of the military service of the United States, etc.

The PRESIDENT pro tempore. The joint resolution was reported by the Senator from North Dakota [Mr. McCUMBER], asking that a certain report be made by the 1st of December, 1904. Of course that report can not be made on the 1st of December, 1904.

Mr. ALLISON. I ask that that joint resolution may be passed over without prejudice.

The PRESIDENT pro tempore. The joint resolution will be passed over without prejudice.

#### MONTHLY SUMMARY OF IMPORTS AND EXPORTS.

The joint resolution (S. R. 72) relating to the printing of the Monthly Summary of Imports and Exports published by the Department of Commerce and Labor was considered as in Committee of the Whole. It provides that hereafter there shall be printed monthly by the Public Printer 9,000 copies of the Monthly Summary of Imports and Exports and other statistical information prepared in the Bureau of Statistics for publication by the Department of Commerce and Labor, 1,000 copies of which shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 5,000 copies for the use of the Department of Commerce and Labor.

It also provides that the joint resolution approved December 18, 1895, restricting the number of copies of the Monthly Summary to 3,500, shall be rescinded.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### PROTECTION OF PUBLIC FOREST RESERVES, ETC.

The bill (H. R. 7296) for the protection of the public forest reserves and national parks of the United States was announced as next in order on the Calendar.

Mr. TELLER. I ask that that bill may be passed over without prejudice.

The PRESIDENT pro tempore. That order will be made.

Mr. TELLER subsequently said: Mr. President, I desire to withdraw my objection to House bill 7296, which was reached on the Calendar a while ago, and ask that it may be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that all persons employed in the forest reserve and national park service of the United States shall have authority to make arrests for the violation of the laws and regulations relating to the forest reserves and national parks; that any person so arrested shall be taken before the nearest United States commissioner within whose jurisdiction the reservation or national park is located for trial; and that upon sworn information by any competent person any United States commissioner in the proper jurisdiction shall issue process for the arrest of any person charged with the violation of the laws and regulations; but that nothing therein contained shall be construed as preventing the arrest by any officer of the United States, without process, of any person taken in the act of violating such laws and regulations.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ROUND VALLEY INDIAN RESERVATION, CAL.

The bill (H. R. 15011) to open to homestead settlement and entry the relinquished and undisposed-of portions of Round Valley Indian Reservation, in the State of California, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### INCORPORATIONS IN THE DISTRICT OF COLUMBIA.

The bill (S. 4848) to amend section 552 of the Code of Laws for the District of Columbia, relative to incorporations, was announced as the next in order on the Calendar.

Mr. LODGE. That bill had better go over, Mr. President. We passed a bill relating to the same subject this morning, and I understand that other legislation is pending in regard to it. I think in the absence of the Senator from New Hampshire [Mr. GALLINGER] the bill should go over.

The PRESIDENT pro tempore. Go over without prejudice?

Mr. LODGE. Yes; go over without prejudice. Neither the Senator from New Hampshire [Mr. GALLINGER] nor the Senator from Vermont [Mr. DILLINGHAM], who reported the bill, is at present in the Chamber.

The PRESIDENT pro tempore. The bill will go over without prejudice.

Mr. GALLINGER subsequently said: Mr. President, in my absence the bill (S. 4848) to amend section 552 of the Code of Laws for the District of Columbia, relating to incorporations, was passed over. I ask that that bill may be indefinitely postponed, as the House bill was passed this morning on the same subject.

The PRESIDENT pro tempore. In the absence of objection, that order will be made.

#### BUREAU OF PUBLIC HIGHWAYS.

The bill (S. 4098) to establish in the Department of Agriculture a bureau to be known as the Bureau of Public Highways, and to provide for national aid in the improvement of the public roads, was announced as next in order.

Mr. LODGE. Let that bill go over under Rule IX, Mr. President.

The PRESIDENT pro tempore. The bill will go over under Rule IX.

#### CAROLINE MURTAGH.

The bill (S. 5396) for the relief of Caroline Murtagh was announced as next in order.

Mr. PLATT of Connecticut. Mr. President, that bill might as well go over under Rule IX.

The PRESIDENT pro tempore. That order will be made.

#### UMATILLA INDIAN RESERVATION.

The bill (S. 5822) for the relief of certain purchasers of lands of the Umatilla Indian Reservation, and for other purposes, was announced as next in order on the Calendar.

Mr. SPOONER. Mr. President, by whom was that bill reported?

The PRESIDENT pro tempore. By the Senator from Minnesota [Mr. CLAPP].

Mr. SPOONER. From the Committee on Public Lands?

The PRESIDENT pro tempore. No; from the Committee on Indian Affairs.

Mr. SPOONER. Can the chairman of the Committee on Indian Affairs give an explanation of the bill?

Mr. STEWART. The Senators from the State in which the

reservation is situated can explain the matter, and probably the bill had better lie over until they come in.

Mr. SPOONER. The impression which it gives me is that it is either unnecessary or, if necessary, the reason for it is unexplained. If the lands were bought by parties under authority of law, they would be entitled to patents without a special act of Congress. There is something about the bill which I think needs a little illumination.

Mr. STEWART. I have no doubt it can be illuminated.

Mr. SPOONER. I presume the bill is all right, but it should go over.

The PRESIDENT pro tempore. The bill will go over.

#### PEARL RIVER BRIDGE AT SMITHS FERRY, MISS.

The bill (S. 6184) authorizing the Mississippi Central Railroad Company to construct a bridge across the Pearl River at or near Smiths Ferry, Lawrence County, Miss., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was in section 1, on page 1, line 6, after the word "maintain," to strike out:

A railroad bridge, with single or double track, and approaches thereto over and across the Pearl River at or near Smiths Ferry, in Lawrence County, State of Mississippi, subject to the conditions and limitations hereinafter specified.

And to insert:

The bridge mention in the act approved March 2, 1903, entitled "An act to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River in the State of Mississippi," under and subject to the provisions of the said act, provided the actual construction of the bridge therein authorized be commenced within two years and completed within five years from the date of approval of this act.

So as to make the section read:

That the Mississippi Central Railroad Company, a railroad corporation duly incorporated and organized under the laws of the State of Mississippi, its successors or assigns be, and is hereby, authorized to construct and maintain the bridge mentioned in the act approved March 2, 1903, entitled "An act to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River in the State of Mississippi," under and subject to the provisions of the said act, provided the actual construction of the bridge therein authorized be commenced within two years and completed within five years from the date of approval of this act.

The amendment was agreed to.

The next amendment was to strike out section 2, as follows:

SEC. 2. That said bridge shall not interfere with the free navigation of said river beyond what may be necessary to carry into effect the rights and privileges herein granted; and in case of any litigation arising under the provisions of this act from any obstruction or alleged obstruction to the navigation of said stream such litigation may be tried and determined by the proper circuit or district court of the United States within whose jurisdiction said bridge is located.

The amendment was agreed to.

The next amendment was to strike out section 3, as follows:

SEC. 3. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which no higher charge shall be made for the transmission of mails and the troops and munitions of war of the United States over the same than the rate per mile paid for the transportation over the railroad or approaches leading to the said bridge; and it shall enjoy the rights and privileges of other post-roads in the United States, and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal, telegraph, and telephone purposes.

The amendment was agreed to.

The next amendment was to strike out section 4, as follows:

SEC. 4. That said bridge over said stream shall be constructed as a drawbridge. The draw span shall be over the main channel of the said stream at an accessible navigable point, and the openings on each side of the pivot pier shall be not less than 115 feet in the clear, unless otherwise expressly directed by the Secretary of War, and if so directed shall be according to such direction, and the said openings shall be accessible at all stages of water; and the spans shall be not less than 36 feet above extreme low water, as understood at the point of location, to the lowest part of the superstructure of the bridge; and the piers and draw shall be parallel with, and the bridge shall be at right angles to, the current of the stream; and the draw shall be opened promptly, upon reasonable signals, for the passage of boats and other river craft; and said company, its successors or assigns, shall maintain at its own expense, from sunset till sunrise throughout the season of navigation, such lights or other signals on said bridge as the Light-House Board may prescribe.

The amendment was agreed to.

The next amendment was to strike out section 5, as follows:

SEC. 5. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same and over approaches thereto upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any of them, desiring such use shall fail to agree upon the sum or sums to be paid and upon the rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

The amendment was agreed to.



The next amendment was to strike out section 6, as follows:

SEC. 6. That any bridge authorized to be constructed under this act shall be built under and subject to such regulations for the security of navigation of said Pearl River as the Secretary of War shall prescribe; and to secure that object the said company shall submit to the Chief of Engineers and the Secretary of War, for their examination and approval, the plans and a design drawing of the bridge and a map of location giving, for the space of one-half mile above and one-half mile below the proposed location, the topography of the banks of the river, the shore lines at high and low water, the direction and strength of currents at all stages, and soundings, accurately showing the bed of the stream and the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until said plan and location of the bridge are approved by the Chief of Engineers and the Secretary of War said bridge shall not be built or commenced, and no changes shall be made in said bridge during the progress of construction nor after completion unless approved by the Chief of Engineers and the Secretary of War; and the said company shall, at its own expense, make from time to time such changes in said bridge as the Secretary of War may order in the interest of navigation.

The amendment was agreed to.

The next amendment was to strike out section 7, as follows:

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The next amendment was to strike out section 8, as follows:

SEC. 8. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of approval hereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend an act entitled 'An act to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River, in the State of Mississippi.'"

#### REVENUE CUTTERS FOR PUGET SOUND.

The bill (S. 5804) to authorize the construction of two steam vessels for the Revenue-Cutter Service for duty on Puget Sound, Washington, was considered as in Committee of the Whole. It authorizes the construction, under the direction of the Secretary of the Treasury, of two steam vessels for the Revenue-Cutter Service for duty in the waters of Puget Sound, Washington, at a cost of not to exceed \$50,000 for both vessels.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### TENDER FOR TWELFTH LIGHT-HOUSE DISTRICT.

The bill (S. 6183) to construct a tender for the engineer service of the twelfth light-house district was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in line 5, after the word "dollars," to insert:

And the Light-House Board is authorized to employ temporarily at Washington three draftsmen, to be paid at current rates, to prepare the plans for the said steam tender; such draftsmen to be paid from the appropriation for building said vessel; such employment to cease and determine on or before the date when the plans for such vessel being finished, proposals for building said vessel are invited by advertisement.

So as to make the bill read:

*Be it enacted, etc.*, That there be constructed a steam tender for the engineer service of the twelfth light-house district, at a cost not to exceed \$135,000, and the Light-House Board is authorized to employ temporarily at Washington three draftsmen, to be paid at current rates, to prepare the plans for the said steam tender; such draftsmen to be paid from the appropriation for building said vessel; such employment to cease and determine on or before the date when the plans for such vessel being finished, proposals for building said vessel are invited by advertisement.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### CALUMET RIVER BRIDGE.

Mr. CULLOM. I ask unanimous consent at this time for the consideration of the bill (H. R. 17749) authorizing the Kensington and Eastern Railroad Company to construct a bridge across the Calumet River.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LIGHT-HOUSE ON RED ROCK, CALIFORNIA.

The bill (S. 6182) to establish a light-house and fog signal on Red Rock, upper part of San Francisco Bay, California, was considered as in Committee of the Whole. It provides for the

establishment of a light-house and fog-signal station on Red Rock, upper part of San Francisco Bay, California, at a cost not to exceed \$30,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### LIGHT-HOUSE NEAR SANTA BARBARA LANDING, CALIFORNIA.

The bill (S. 6181) to establish a light-house near Santa Barbara landing, California, was considered as in Committee of the Whole. It provides for the establishment near Santa Barbara landing, Santa Barbara, Cal., of a light-house, to take the place of that now existing, at a cost not to exceed \$7,500.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### JACOB LYON.

The bill (S. 5337) for the relief of Jacob Lyon was considered as in Committee of the Whole. It directs the Secretary of the Interior to issue to Jacob Lyon, late of Battery E, Second Regiment United States Artillery, a bounty-land warrant of 160 acres by reason of his military service rendered prior to March 3, 1855.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### THE MERCHANT MARINE.

The bill (S. 6291) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage, was announced as the next business in order on the Calendar.

Mr. GALLINGER. Mr. President, I desire to say that I had hoped to call up for consideration this bill, which was reported by the Merchant Marine Commission. But the chances for doing so are certainly not very flattering at this session. I have received a great many letters from different parts of the country, from shipowners and shipbuilders, assuring me that if the bill should be passed they would proceed to construct new American steamships, and it would do a great deal to rehabilitate the American merchant marine. Satisfied that the bill can not receive the consideration it deserves at this session of Congress, I ask that it may go over under Rule IX.

The PRESIDING OFFICER (Mr. KEAN in the chair). Without objection, the bill will be passed over under Rule IX.

Mr. GALLINGER. I will make the statement that, if alive, at the first opportunity in the next session of Congress this bill, or one similar to it, will be introduced and pressed to consideration.

#### SUBPORTS OF ENTRY AT ROUSE POINT AND MALONE, N. Y.

The bill (S. 6337) for the establishment of subports of entry at Rouse Point and Malone, N. Y., was considered as in Committee of the Whole.

Mr. ELKINS. Was the bill reported from the Committee on Commerce?

The PRESIDING OFFICER. The bill was reported by the Senator from New York [Mr. DEFEW] from the Committee on Commerce.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BONDS ON CONTRACTS WITH THE DISTRICT OF COLUMBIA.

The bill (H. R. 7869) in relation to bonds on contracts with the District of Columbia was considered as in Committee of the Whole. It provides that in all cases where the Commissioners of the District of Columbia enter into contracts for work or material they shall require good and sufficient bonds to the United States in a penal sum sufficient, in their judgment, to secure the strict and faithful performance of the contracts to the satisfaction of the Commissioners, and guaranteeing that the contractors shall keep new pavements or other new works in repair for a term of five years from the date of completion of their contracts, which sum shall not in any case be less than 25 per cent of the estimated cost of the work or material.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### DISTRICT OF COLUMBIA SPECIAL-TAX SCRIP.

The bill (H. R. 3947) for the relief of holders and owners of certain District of Columbia special-tax scrip was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## GRAND ARMY OF THE REPUBLIC, ETC., INSIGNIA.

The bill (H. R. 11286) to prevent the unlawful wearing of the badge or insignia of the Grand Army of the Republic or other soldier organizations was considered as in Committee of the Whole. It provides that whoever, in the District of Columbia, not being a member of the Military Order of the Loyal Legion of the United States, of the Grand Army of the Republic, of the Sons of Veterans, of the Woman's Relief Corps, of the Union Veterans' Union, of the Union Veteran Legion, of the Military and Naval Order of the Spanish-American War, or of the Legion of Spanish War Veterans, willfully wears or uses the insignia, distinctive ribbon, or badge of membership, rosette, or button thereof, for the purpose of representing that he or she is a member thereof, shall be punished by a fine of not more than \$20 or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Mr. PLATT of Connecticut. My attention was diverted when the bill was read. I ask that it be again read.

The PRESIDING OFFICER. The bill will again be read.

Mr. PLATT of Connecticut. Is there a report with the bill?

The PRESIDING OFFICER. There is.

Mr. PLATT of Connecticut. I should like to have the report read.

The Secretary read the report submitted by Mr. MARTIN on the 14th instant, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 11286) to prevent the unlawful wearing of the badge or insignia of the Grand Army of the Republic or other soldier organizations, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Commissioners of the District of Columbia, as will appear by the following letter:

OFFICE COMMISSIONERS DISTRICT OF COLUMBIA,  
Washington, December 23, 1904.

DEAR SIR: The Commissioners have the honor to recommend favorable action upon H. R. 11286, "To prevent the unlawful wearing of the badge or insignia of the Grand Army of the Republic or other soldier organizations," which was referred to them, at your instance, for their views thereon.

Very respectfully,

HENRY B. F. MACFARLAND,

President Board of Commissioners District of Columbia.

Hon. J. H. GALLINGER,

Chairman of Committee on District of Columbia,  
United States Senate.

Mr. PLATT of Connecticut. I do not object to the bill, but I should like to ask the chairman of the Committee on the District of Columbia whether there is any real necessity for the passage of such a bill; whether persons are to any extent wearing such badges for the purpose of imposing upon the public? It is a pretty drastic bill. The reason for passing it, at least, ought to be made manifest.

Mr. GALLINGER. Mr. President, I will say in reply that I know nothing more about the matter, so far as the interrogatory of the Senator from Connecticut goes, than he does. The bill came to our committee from the House of Representatives. It was first referred to the District Commissioners, and from there referred to a subcommittee, and it was reported by some other member of the committee. I do not know what the necessity is—

The PRESIDING OFFICER. The bill was reported by the Senator from Virginia [Mr. MARTIN].

Mr. GALLINGER. Yes. I do not know how far this practice extends nor how important this legislation may be.

It occurred to me when the bill was before our committee that it was somewhat questionable, and yet I deferred to the Senator who had the bill in charge, the Senator from Virginia. Perhaps the Senator from Virginia can answer more definitely than I can.

Mr. MARTIN. Mr. President, I do not know that I can answer as I ought to be able to answer, but I will say this: The bill seemed to be demanded by the organizations of soldiers here in the District. It seemed to them there was necessity for it, and I see no objection to it.

There is this much to be said about the bill: It perhaps might as well be passed by for the present, because a member of one of these organizations saw me yesterday and said he thought the bill ought to be amended by making it more stringent than it is. He especially wanted a provision made to prevent the use of the badges in asking for pecuniary aid. He said there was no necessity for any man honorably entitled to wear the badge to be soliciting aid on the streets, and that one provision which he did not think was incorporated, as it should be, in the bill is one intended to forbid the asking of aid and the use of the badge in connection with solicitations of that sort. It might be well, therefore, to let the bill be passed by for the present.

The PRESIDING OFFICER. Does the Senator from Virginia ask that it be passed over?

Mr. MARTIN. I do, in deference to that request made of me on yesterday, not that I think the bill is one which should not be passed. I am perfectly willing to protect these people and punish those who improperly use the badges, and I see no harm that could come from the passage of the bill. But I ask that the bill may be passed over to enable these organizations to present the amendment which they contemplate presenting.

The PRESIDING OFFICER. The bill will be passed over.

Mr. PLATT of Connecticut. I should hope that there would be no addition to this penalty.

Mr. MARTIN. None is contemplated, I will say, with the permission of the Senator from Connecticut, but simply to make a provision on that one point—to prevent the use of badges in connection with solicitations on the streets.

Mr. PLATT of Connecticut. I misunderstood the Senator from Virginia. I thought he said that some one had called on him thinking the penalty was not sufficiently stringent.

Mr. MARTIN. No; that it did not embrace one provision which it ought to embrace.

The PRESIDING OFFICER. The bill will be passed over.

EZRA WALKER ABBOTT.

Mr. GALLINGER. It being necessary for me to attend a meeting of the Committee on Appropriations, I ask unanimous consent for the present consideration of a pension bill. It is the bill (S. 6799) granting a pension to Ezra Walker Abbott.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "contract," to insert "nurse and volunteer;" in line 7, after the word "surgeon," to insert "Medical Department;" and in line 8, before the word "dollars," to strike out "twenty-five" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ezra Walker Abbott, late contract nurse and volunteer surgeon, Medical Department, United States Volunteers, and pay him a pension at the rate of \$17 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## DECATUR TRANSPORTATION COMPANY.

The bill (H. R. 16567) to authorize the Decatur Transportation and Manufacturing Company, a corporation, to construct, maintain, and operate a bridge across the Tennessee River at or near the city of Decatur, Ala., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS M. CHARLES.

The bill (S. 6021) to recognize the gallant conduct and meritorious services of Francis M. Charles as a volunteer aid in the war of the rebellion was reached on the Calendar.

Mr. PLATT of Connecticut. The bill was adversely reported. The PRESIDING OFFICER. The bill was adversely reported and placed on the Calendar.

Mr. PLATT of Connecticut. Let it go over under Rule IX.

The PRESIDING OFFICER. The bill will go over under Rule IX.

## ACQUISITION OF IRRIGABLE LANDS.

The bill (S. 6406) providing for the purchase and condemnation of irrigable lands in certain cases was announced as the next business in order on the Calendar.

Mr. PLATT of Connecticut. I think the bill was under consideration yesterday, and went over at the suggestion of the Senator from Wisconsin [Mr. SPOONER].

The bill, if I may be permitted, provides, as I understand, that whenever the Secretary of the Interior thinks certain land lying within the area of a proposed reservoir is necessary for the purposes of irrigation under the reclamation act he may, through the Attorney-General, initiate proceedings of condemnation.

I suppose the only question that arises about it is whether Congress ought to delegate to any officer of the Government the power to initiate condemnation proceedings whenever he thinks they are necessary.

Mr. SPOONER. I read the bill very hastily yesterday, and the provision which attracted my attention was this:

That any of the lands so acquired, which are susceptible of irrigation, shall be disposed of by the Secretary of the Interior in the same manner and subject to all the limitations, charges, terms, and conditions applicable to public lands irrigable under said reclamation act.



I have some doubt for the moment whether the Government, under the power of eminent domain, can acquire land for sale. It can take it for its own use.

Mr. PLATT of Connecticut. What does the Senator from Wisconsin say as to the suggestion I made, whether Congress can delegate to an official of the Government—a Cabinet officer or anyone else—the right to have condemnation proceedings instituted if he thinks it desirable that they should be?

Mr. HALE. My recollection of what has been the course is that Congress decides upon what shall be taken, and authorizes the Attorney-General to institute proceedings for condemnation. But I have never known the general power to be given broad and large for the Attorney-General himself to decide to what the process shall apply. He institutes the proceedings. It seems to me Congress can not delegate—

Mr. PLATT of Connecticut. This bill provides that when the Secretary of the Interior thinks any land is required for this purpose he may, through the Attorney-General, have the proceedings instituted.

Mr. HALE. That does not meet my objection.

Mr. PLATT of Connecticut. Of course not.

Mr. HALE. It is still worse.

Mr. PLATT of Connecticut. Yes.

Mr. HALE. I do not think that power should be delegated by Congress. I think the rule has been that Congress decides to what the proceeding of condemnation shall apply, and does not commit that power to the Attorney-General or to the Secretary of the Interior. It does not seek to delegate the power to go, broad and large, and institute proceedings. It ought not, it seems to me.

Mr. SPOONER. I think the act is not susceptible to substantial objection in that respect. The rule proposed to be laid down here by Congress is that whenever it shall be found necessary—

Mr. HALE. By whom?

Mr. SPOONER. Somebody has to determine that.

Mr. HALE. Congress should. That is the point. So far as I know Congress has always determined it.

Mr. SPOONER. Every time a 40-acre tract may be required? We have a general law for condemnation—

Mr. HALE. But we do not have a general law that authorizes a Secretary to decide what land shall be taken. We have a general law that authorizes the operation of the process at the hands of the Attorney-General, and whenever we provide for the location and establishment of forts, arsenals, light-houses, or public buildings we do not commit the power to a departmental officer to decide where he will select the land. We provide what shall be done and what land shall be taken, and then we put him at work condemning it. The portion of the bill which the Senator has just read provides, it seems to me, that that discretion is delegated by Congress to this officer.

Mr. SPOONER. No.

Mr. HALE. Why does it not?

Mr. SPOONER. Congress says that land necessary for use in connection with the operation of the reclamation act shall be subject to condemnation.

Mr. HALE. Who decides what is necessary?

Mr. SPOONER. That is the administrative officer's duty.

Mr. HALE. I think that has never been done.

Mr. SPOONER. We have an act under which the Government can condemn land for public buildings.

Mr. HALE. That is particular land. We always decide what the land shall be.

Mr. SPOONER. The Government has conferred upon railway companies power to condemn land for railway purposes.

Mr. HALE. Such acts state in detail what land shall be condemned and where it shall be condemned.

Mr. SPOONER. No; the power was conferred before the line was located.

Mr. HALE. I think it must have been determined by the act what land should be condemned. I certainly do not remember in my service that we have ever delegated the general power, broad and large, to any Department to decide upon the necessity at a particular point where the process shall apply. We decide it ourselves.

Mr. SPOONER. Obviously, then, it would be impossible for Congress to exercise the power of eminent domain in connection with irrigation. If Congress must by an act describe the particular tract, and that that shall be a condition precedent to the institution of condemnation proceedings, of course it would render it entirely impracticable.

Mr. HALE. Why? It seems to me not. The whole thing is in the hands of Congress in the beginning. The scheme has no life and no defined purpose and could not become operative until Congress did take it up and embark on it. I have never felt

that in doing that Congress was in any way abdicating its power of setting this process at work wherever it chooses to set it at work. But nobody else can. I do not believe in that. I do not believe we have gone so far, and I would not be in favor of it if we could as a matter of constitutional right. Even when we have such a distinguished gentleman as Attorney-General as our friend the Senator from Pennsylvania [Mr. Knox] is, conservative as he is, I would not lodge that power in him. I should have Congress decide where it shall apply, where the process shall be instituted, and upon what, and then set the officers at work.

Mr. SPOONER. In the States the power is conferred. I remember in my own State by general law for the condemnation of land for railway purposes. The act defines, of course, the public use. There is a petition to the court, and acting upon the petition the court first decides whether it is necessary that it shall be taken or not. If they decide it is not necessary, that is the end of it. The necessity for the taking—

Mr. HALE. In Maine, whatever it applies to, is all done by the legislature. We have the power of condemnation, but it is restricted. It is not given to a railroad commission or anybody else, but the legislature decides in terms where a road shall go, what shall be its terminus, how much it shall have through every town it passes, and only gives it a right of condemnation of that particular tract. That is our law in Maine.

Mr. SPOONER. It seems to me that the provision here is not very well drawn:

That whenever it shall be found necessary or advisable in connection with the operations under the reclamation act.

I think that should be limited to the necessity of public use, the necessary taking.

Mr. HALE. I think the bill had better go over.

Mr. SPOONER. The bill ought to go over, but I do not agree at all to the position of the Senator in regard to it. We can discuss it later.

Mr. BARD. If I may interrupt the Senator for a moment, I desire to call attention—

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator from California will proceed.

Mr. BARD. I desire to call the attention of the Senators who have been speaking to the fact that this is only an enlargement of the power already given to the Secretary of the Interior under the reclamation act. Section 7 of the reclamation act reads as follows:

That where in carrying out the provisions of this act it becomes necessary to acquire any rights or property, the Secretary of the Interior is hereby authorized to acquire the same for the United States by purchase or by condemnation under judicial process, and to pay from the reclamation fund the sums which may be needed for that purpose.

This bill enlarges the power, and is intended to authorize the Secretary of the Interior to acquire lands incidental to the carrying out of some irrigation project, not the lands required for the construction of the works, but incidental lands that must be acquired in order that canals and ditches may be brought into the project.

Mr. HEYBURN. Mr. President, I understand the objection to the consideration of the bill is withheld.

This is a question that in the abstract might present itself in one phase and by direct application in another. The bill is directed to a tract of land owned by the heirs of an estate that has its headquarters in France. This vast tract, about thirty or forty thousand acres, as I understand it, is situated in the midst of a district that it is desirable to reclaim. The owners will neither sell nor put a price upon it, nor will they participate in those preliminary steps necessary to be taken in order to inaugurate a reclamation system. So by resting on their rights of ownership they have blocked what is known as the "Malahaur reclamation project," one very desirable to be carried out.

But it is a serious question whether or not you may condemn lands for the purpose of getting them out of the way as an obstacle to the organization of a reclamation district. You may condemn lands for the purpose of carrying out the plans and carrying into effect the law, but whether you can condemn land to which to apply the law is a very different question.

This bill adds nothing to the present power of the reclamation board, except that it may be extended so far that they can condemn lands not only necessary for the purpose of carrying out the reclamation scheme so far as constructing ditches and canals through them are concerned, but in order to buy out these objectionable settlers or landowners. It is exactly within the principle that would control in the case of parties owning real estate in the midst of a community, who are obnoxious to the community by reason of their personal character, and the community desires to be rid of them. Could they condemn their ownership? That is all there is of it.

Mr. HALE. Now, the Senator in his very interesting way discloses what I did not know before was contemplated. Un-

doubtedly that discretion, carried to the extent the Senator has described, is left here with the Secretary of the Interior.

Mr. SPOONER. That explains the second section.

Mr. HALE. Yes.

Mr. HEYBURN. You can not condemn except where there is a necessity existing and found to exist by the court. That is a preliminary to the right to exercise eminent domain by any government. There must exist a necessity. Can it be said that this constitutes a necessity? The plan of reclamation consists of storing and diverting waters to be applied to the irrigation of public lands. This is not public land. It may be unfortunate that private ownership has been interjected between the reclamation project and these people who live around it, who would be benefited by it.

Mr. FULTON. Will the Senator allow me to ask him a question?

Mr. HEYBURN. Certainly.

Mr. FULTON. Does the Senator contend that the question of necessity is a question for the courts?

Mr. HEYBURN. It is a jurisdictional question.

Mr. FULTON. The question whether it is necessary to appropriate the land?

Mr. HEYBURN. Yes; it is a jurisdictional question.

Mr. FULTON. I think not.

Mr. HEYBURN. The courts have held that that must be first determined or acceded to. This bill says "whenever it shall be found necessary or advisable." Nothing is condemned because it is advisable. The necessity must first exist. It must exist for a public use, and the property that is to be taken must be property that is necessary to be taken for that particular use.

Now, it is proposed to condemn 30,000 acres of land, for of its local application I happen to know something, as the Senator from Oregon will concede. It lies upon our borders, right across the river from Washington County, in our State, and this reclamation scheme or plan is one very desirable to the people of that section of country, both in Oregon and in Idaho.

We have just constructed a bridge from Weiser across the Snake River to the lands contemplated by this act. I should like to see the obstacle removed, but for Congress to enact a law authorizing the executive department or any other department of the Government to take private property in order to be rid of an undesirable neighbor—and that is all it amounts to—is not within our power.

Mr. FULTON. Mr. President, if the objection to the consideration of the bill may be withheld for a moment longer, I should like to make a few suggestions in answer to the Senator from Idaho.

In the first place, I will state that while I introduced this bill I did not draft it; it was prepared by the Department. But I believe that the bill is constitutional. I know that it is close on the line, but I am disposed to believe it will be held to be constitutional. I do not agree with the Senator from Idaho that the question of necessity is one of jurisdiction, unless it be made so by the act itself. It is a question for the legislative department. The only question for the courts, and the only question that can be raised before the courts, is the question whether or not the taking is for a public use. If it is a public use, then the necessity for the appropriation or for the exercise of the power of eminent domain is a question for the legislative body. It is a legislative question. The question as to whether or not the power of eminent domain shall be exercised is a question for the legislative department of the Government. Whether or not the taking is for a public use of course is a question the courts must decide.

Now, the question would be here whether or not the use to which this property is proposed to be devoted is or is not a public use. That question, I admit, is not free from doubt, although I am constrained to believe that it is a public use. There is no general definition of what constitutes a public use that I have ever been able to find.

Mr. HEYBURN. I should like to ask the Senator a question.

Mr. FULTON. Certainly.

Mr. HEYBURN. After the Government had acquired it by proceedings in condemnation, could it sell it again to private individuals? If so, is that a public use?

Mr. FULTON. It may be. There are two lines of authorities as to what constitutes a public use. There is one line of authorities which holds that in order to be a public use the thing taken must be used absolutely by the public or its agents. Another line of authorities holds that what constitutes a public use depends upon the public advantage and benefits that will result. For instance, in Massachusetts they have held right along, and the Supreme Court of the United States has affirmed the proposition, that you can condemn for factories. I think

the case is reported in 113 United States, where the Amoskeag Manufacturing Company condemned property for the purpose of erecting thereon factories, rolling mills, or iron foundries, I believe.

Mr. PLATT of Connecticut. They were cotton factories, I think. However, I do not know.

Mr. FULTON. Well, say it was a cotton factory. The principle would not be different.

Mr. PLATT of Connecticut. No.

Mr. FULTON. The Supreme Court of the United States affirmed that ruling. The land was taken for the use of the company, it is true, but the court said the question is whether the public advantage is so great that it may be said to amount to a public use.

Take another case that I recall, decided in the supreme court of Massachusetts, where a milldam having been erected, had backed the water so as to overflow a large tract of country. The legislature authorized the condemnation of the dam for the purpose of relieving the lands that were overflowed. Now, that was purely in the interests of the private individuals owning the lands. It was there contended that the taking was for private use, but that court held that it was a public use, for it advanced the interest of agriculture to so great an extent that it was beneficial to the public at large.

Mr. Justice Gray, I think it was, who announced the decision, said he could not believe that there was a distinction as to the character of interests to be affected, and that the right of eminent domain might be employed equally as well for advancing the agricultural as the manufacturing or the transportation interests of the country. And why not?

What constitutes a public use is a question that necessarily grows and changes with the needs and development of the country. What would not have been considered a taking for a public use a century ago would readily be acceded to as being a taking for a public use at the present time. Here is a great irrigation scheme entered upon by this Government—a new departure destined to open up to settlement great regions.

It is a great public policy, and the reclamation of lands now useless, making them suitable and fit for agriculture, is certainly a matter of great public importance, and a taking for that purpose is, in my judgment, a public use in the widest and best sense of the term.

Now, there stands in the way, as the Senator from Idaho has said, a tract of land the owners of which will not permit to be brought in and subjected to its portion of the cost of the reclamation. Shall the whole country be held up and the development retarded because of their obstructive tactics? If that land can be brought in, a great region can be developed. Is not that a public use? Is it not for the advancement of the public welfare? Why, the Senator's doctrine—

Mr. HEYBURN. If the Senator will permit me, I will state that these French owners hold it as a great grazing ranch company.

Mr. FULTON. Suppose they do?

Mr. HEYBURN. They do not want to have it changed from grazing lands to farming lands; that is all.

Mr. FULTON. It does not make any difference.

Mr. PLATT of Connecticut. Will the Senator permit me? I want to see if I understand the special case at which this general bill is aimed. Foreigners or private parties own a large tract of land within the area which it is proposed to irrigate?

Mr. FULTON. Yes, sir.

Mr. PLATT of Connecticut. If the whole land can be brought in, then there will be enough of it to authorize the scheme?

Mr. FULTON. Yes.

Mr. PLATT of Connecticut. But if it can not be brought in, there is not enough other land to warrant the expenditure for the scheme?

Mr. FULTON. That is it, exactly. That states it in a nutshell.

I was going to say that since the doctrine of eminent domain has been administered by the courts of this country it has been uniformly held that it may be invoked for the purpose of draining great areas. The cost may be assessed on the land benefited, but it is none the less a taking. Whenever you impose a burden, it is a taking.

It has been held for a century and more that you can condemn land for mill sites. Of course, some courts try to draw a distinction by saying that under the old laws mill owners were compelled to operate their mills and take toll, and the toll was fixed by law. But that doctrine has been departed from until now it is held by many courts that land can be taken for factories of almost every character. The Senator may argue that this doctrine carried to the extreme will per-



mit you to appropriate for use lands that are of a purely private nature.

The PRESIDENT pro tempore. The Senator from Oregon will suspend for one moment. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. The bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. FULTON. Mr. President, may I ask that the unfinished business be laid aside temporarily?

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent that the statehood bill be temporarily laid aside in order that he may conclude his remarks.

Mr. FULTON. It will take me but a few moments.

The PRESIDENT pro tempore. Is there objection?

Mr. HALE. Simply for that purpose.

The PRESIDENT pro tempore. The Chair so put it. The Chair hears no objection, and the Senator from Oregon will proceed.

Mr. FULTON. I was going to say you may take either branch of authorities or either line of reasoning upon which the employment of the doctrine of eminent domain is defended, and carried to its extreme it may lead to an absurdity. For instance, a theater in the olden times was a matter of public importance and public interest, and was maintained by the government. In those days nobody would have doubted but that the appropriation of land for the purpose of erecting a theater thereon would have been devoting it to a public use. I hardly think it would be so held to-day. So the construction of a hotel is a matter of public interest; it is patronized by the public on the same principle that a transportation line is patronized by the public, but probably it would be successfully contended that you could not employ the power of eminent domain to condemn land for a hotel. So you can follow out either rule and it will lead to an absurdity, if carried to an extreme.

Mr. HALE. If the Senator's general proposition be, as I understand it, that anything which will inure to the public good can be done under the right of eminent domain, you may decide that a tract of land which is now devoted to agriculture shall be devoted to forestry because it will inure to the public good, or you may decide the reverse, that a tract of land which is devoted to forestry shall be devoted by the exercise of the right of eminent domain to agriculture, and the only limitation, the only border of this doctrine, must be what is for the public good.

If that doctrine does go so far, there is no limitation to the Government at any time taking into its fold as a part of its operation the whole question of what will finally be better for people generally in the use of land for the purposes to which it shall be directed. Now, that is going, of course, very far, and, as the Senator has stated it, it goes as far as that.

Mr. FULTON. Is it going further than taking land of a private individual for the purpose of devoting it to a mill site or a factory? Is not the advancement of agriculture as much a matter of public concern as the advancement of manufacturing? Is there any difference in principle?

Mr. SPOONER. Will the Senator from Oregon allow me to ask him a question?

Mr. FULTON. Certainly.

Mr. SPOONER. The Senator refers to the "milldam act," so called, which was sustained in Massachusetts and sustained in Wisconsin and other States, although the courts say they will not enlarge the doctrine. That is a taking for public use sub modo. The court permits the erection and maintenance of a dam for the operation of a flouring mill which will flood the land, that being necessary.

Mr. HALE. We have the same statute in Maine.

Mr. SPOONER. And the owner of the land must submit to that. But the Senator from Oregon goes beyond that. Here are thirty-five or forty thousand acres of land.

Mr. FULTON. If the Senator will allow me, I will say that I do not go beyond it. In my judgment, it is applying it to a new field, but it is the same principle.

Mr. SPOONER. I want simply to get where I can put a question. Suppose a mill and a milldam should be constructed, the land flooded, and recovery had, compensation paid; but the mill does not pay, it can not be maintained. There are 40,000 acres of land owned by some nonresidents which could be made to raise wheat for that mill—

Mr. HALE. And probably covered by water?

Mr. SPOONER. No; not covered by water. I do not sup-

pose the land is covered by water in order to run the mill. Now, is the Senator claiming that 40,000 acres of land might be condemned so that it could be utilized in raising wheat to supply raw material for that mill to the end that it might be profitably operated?

Mr. FULTON. The Senator is assuming that the mill has gone down.

Mr. SPOONER. No; simply that the mill will no longer pay; that the owner can not operate it because there is not a supply of raw material. In other words, you can not maintain the mill and keep it in operation unless land owned by some foreigner and unused can be put to the use of raising wheat. Could the land be condemned for that purpose?

Mr. FULTON. Certainly not; but the cases are not parallel at all, I will say to the Senator.

Mr. SPOONER. They are pretty nearly parallel.

Mr. FULTON. The Senator from Wisconsin has the ability to see at once that they are not parallel.

Mr. SPOONER. They are pretty nearly parallel. The Senator admits that these lands are not necessary in order to make the reservoir.

Mr. FULTON. They are necessary to make the scheme practical.

Mr. HOPKINS. Will the Senator from Oregon allow me to ask the Senator from Wisconsin a question?

Mr. FULTON. Certainly.

Mr. HOPKINS. Is the test whether the right of eminent domain can be exercised as to whether a proposed project will be profitable or not?

Mr. SPOONER. Certainly not. That is not the law.

Mr. HOPKINS. I gathered the impression from the Senator's statement that the question as to whether the right of eminent domain could be exercised depended on whether the mill could be operated profitably without the exercise of such a right.

Mr. SPOONER. Nor do I think if I owned land which was in the midst of land owned by other people, which they could not profitably use unless they got mine, they would have a right to condemn mine lest otherwise their land should lie idle.

Mr. HOPKINS. The principle of eminent domain is, in my judgment, based upon a different principle entirely from the question as to whether the project will be a profitable one or not.

Mr. SPOONER. That is what I think.

Mr. FULTON. Mr. President, that is exactly the point. The Senator from Wisconsin assumes a case where the business of a private individual has ceased to flourish. Now, can we condemn land or property in order to make it flourish and appropriate lands in some other business in order to make it profitable? Of course not.

Mr. HALE. Will the Senator allow me?

Mr. FULTON. Just wait a second, and then I will yield. I was about to say, Mr. President, that what constitutes a public use must depend very largely upon the business necessities of the people in a given age. They change. What is a public use at one time might not be a public use at another time. It depends very largely upon the business, commercial, and social conditions of the people. Now I will yield to the Senator from Maine.

Mr. HALE. The Senator says it would be monstrous to condemn for one man's benefit what would be for the benefit of another, because that would be extending the doctrine too far. Now, in this case is not that his proposition?

Mr. FULTON. No.

Mr. HALE. This scheme of irrigation can not be carried on, and can not be made profitable, it can not succeed, unless they are given the right to condemn a tract of many thousand acres entirely outside of the uses of the particular project, but which are necessary in order that the scheme may be successful. Is not that what the Senator is asking?

Mr. FULTON. That is what I was asking, but I say it is an entirely different proposition from that instanced by the Senator from Wisconsin.

Mr. HALE. It is the same except that it is reversed.

Mr. FULTON. It is a question, and must necessarily be a question, whether or not the purpose to which you propose to devote the condemned property is one that will advance in a large way the public interest, or rather whether it rises to such importance that it does become a matter of public concern.

Mr. PLATT of Connecticut. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Connecticut?

Mr. FULTON. Certainly.

Mr. PLATT of Connecticut. I wish to know if I correctly understood the Senator from Wisconsin, that if there happened

to be some lands somewhere and the adjoining proprietors could not use their land to advantage, as they thought they ought, that they could go and condemn their neighbor's land for that purpose. I remember to have heard a somewhat interesting story about a gentleman who wished to build on a whole block in New York City, and he found there an old colored woman who had about 20 feet of land. He got all the rest, but he could not get that, and so he was obliged to build around that land. I think if he had employed the Senator from Wisconsin he might have condemned that land.

Mr. SPOONER. Oh, no; I did not advocate any such proposition. Now, if the Senator from Oregon will permit me—

Mr. FULTON. Certainly.

Mr. SPOONER. If a flouring mill or a gristmill has been erected, and in the exercise of the right of eminent domain the land necessary to maintain it in operation has been acquired, and there was an immense body of land about it owned by individuals, which was lying idle, and the time comes when it is apparent the mill can not make its way unless the mill owners can acquire the land for the purpose of securing the raising of a sufficient supply of raw material, does not the Senator think that a proposition to secure that land would be ridiculous?

Mr. FULTON. I did not employ that term.

Mr. SPOONER. I employ that term.

Mr. FULTON. I would not employ that term regarding anything the Senator from Wisconsin might say.

Mr. SPOONER. That proposition would be ridiculous. Now, I will state what the Senator's proposition is in essence, and it was with a view to this that I put the other side of it. The Senator finds, for instance, within the region a good place for a gristmill. It is in the public interest that this mill should be erected and operated, and therefore the power to flood the necessary lands is exercised to that end. He has the money; he has the title to the land on which to erect the mill; it is a good enterprise, with public spirit behind it as well as individual selfishness; but there is not land enough in cultivation around it to make it pay or attractive, and in order to make successful the enterprise of maintaining and operating this mill he must have the lands in the vicinity plowed and sowed to wheat in order to furnish him a raw material. The Senator's argument would be this: That this scheme which is necessary—

Mr. HALE. And the proposition presented to us is just exactly the same as the case the Senator is supposing.

Mr. SPOONER. Yes; it is just exactly the same thing. Here is a scheme to build and maintain a mill, a quasi public work, so much a public work that the law permits a man's land to be taken when necessary to its erection, maintenance, and operation without his consent. Now, it is necessary in order that that shall be successful that the lands all around it, owned by men who do not want to sell them, who do not want to use them, shall be so disposed of as that they shall be cultivated to produce wheat for this mill. Therefore the mill owner should have the right to condemn them. Is not that really the Senator's proposition? It is as I see it.

Mr. FULTON. Well, Mr. President, if that is my position, I have been very unfortunate in endeavoring to explain myself; but that is not my position.

Mr. HALE. The question is whether the proposition does not apply to a mill if it applies to an irrigation scheme. It is the same thing.

Mr. SPOONER. That is what I thought.

Mr. HALE. It is the same thing.

Mr. FULTON. I beg pardon of the Senator from Maine, that is not my proposition either.

Mr. HALE. Is it not the claim that this irrigation scheme can not succeed, at least until this large tract of land is so disposed of that it may be devoted to purposes other than those for which its present owners are using it? The Senator does not claim in order to construct the mains and laterals of the reservoir, which make up the technical part of irrigation work, that this land is necessary. The irrigation work does not go over them and it does not go under them.

Mr. SPOONER. No; but in order to make it pay.

Mr. HALE. It does not go over the lands or under them; it does not touch them; but it is necessary to the scheme.

Mr. SPOONER. The financial part of it.

Mr. HALE. The financial part of the scheme; and whether it is a gristmill or an irrigation scheme, it is practically the same thing.

Mr. HEYBURN. I should like to make a suggestion.

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. FULTON. I have not been saying anything for some time, Mr. President.

Mr. HEYBURN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. FULTON. Certainly.

Mr. HEYBURN. Mr. President, the fact is that we need no legislation for the purpose of constructing canals, mains, and laterals for reservoirs, because the law already provides for that; and there is no question at all but what it is competent for Congress to authorize the condemnation of lands for that purpose.

The question presented by this bill is, May you condemn land and the Government take the title by proceedings in condemnation for the mere purpose of selling it to different owners from its present owners? That is the question.

Mr. FULTON. That is not the purpose, Mr. President. That is where Senators, it seems to me, take the wrong view of the bill. The purpose of the bill is to devote land that at the present time is utterly worthless—wide regions of arid land—to some useful purpose. This can only be undertaken by the Government, and it can only be undertaken by the Government getting a sufficient body of land in one place to make a practical scheme.

The same rule has been applied in Massachusetts, where there was a large area of country owned by private individuals that was swamp and overflowed. It was too great a burden for private individuals to drain the land. So the State was authorized to do it, and did it. A portion of that land was devoted to the public use in the way of depots and grounds, and the remainder of it was sold. The court justified the appropriation of the land as a taking for a public use.

A word in conclusion, and I will not take up the time of the Senate further. It seems to me the fact is lost sight of that the reclamation of arid land is a great public policy upon which the Government has embarked. It is not confined to one locality, but it extends throughout a broad section of our country.

Now, if the Government may not in some instances—and this is not the only one, for there are numerous instances—if the Government in some instances, where land is held in private ownership to such an extent that it will block the entire scheme, can not condemn, then this great policy must fail. That being the case, it seems to me, Mr. President, that this question rises above the mere question of private rights and private interests, and becomes a matter of public concern and public interest. It is a matter of public concern that this great irrigation policy shall go forward in order that the great body of arid lands now utterly useless may be devoted to some useful purpose. If it should become necessary to take the land of a private individual in order to bring about this great public good, then, Mr. President, it is a public use, because it is a matter of public interest and public concern.

Mr. TELLER. I presume, Mr. President, that the statehood bill is now before the Senate.

The PRESIDENT pro tempore. The statehood bill is now before the Senate.

Mr. TELLER. Then, Mr. President, I think I shall exercise my right to say a few words on this proposition. Fortunately, in the Senate we are not bound by strict rules to speak germanely to the subject which may be pending before us.

Mr. President, the question of irrigation is one of importance, and I have been regarding the scheme as a blessing to the people of the region in which I live. If, however, I had thought it was to go to an extent which would justify the exercise of the right claimed by the Senator from Oregon, I would doubt whether it would be very much of a blessing, and I certainly, as one member of the Senate, would never have voted for the original bill.

These, Mr. President, are the facts. You can put them in a nutshell. The Government says that it wants, for instance, in a certain section of the country, 50,000 acres of land in order to make irrigation a paying enterprise. I will put this case by way of illustration. Say the enterprise will cost \$500,000, or \$10 an acre, though, as a matter of fact, it will frequently cost four times that sum. Whether it costs \$10 or more an acre, the Government needs so many acres in order to carry on that enterprise. As I understand from the Senator from Oregon [Mr. FULTON] this bill is intended to meet this kind of a case: Suppose that I am the owner of 10,000 acres of that 50,000 acres, and when the Government comes to me and says, "Are you willing to pay \$10 an acre if we will furnish you water," I say "No; I am not. In the first place, I have possession of the land, and, in the second place, I have not the money to pay \$10 an acre." Thereupon the Government says, "If you do not pay, we can not make with the other 40,000 acres of land a success of this enterprise." The proposition is that in such a case that gives the Government jurisdiction to take possession of my land.



I do not care how the Government may take it, Mr. President, though I suppose even in these days, with our present ideas, the Government would probably go into court and go through the form of condemning the land; but the Government has the power, according to the Senator from Oregon, to take the land and compel me to submit to the scheme, and pay \$10 an acre when they furnish me the water, whether I want it or not.

Now, the Senator says this land is not good for anything.

Mr. FULTON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Oregon?

Mr. TELLER. I will, but I should like first to make a statement of what I think is the Senator's case before he interrupts me.

Mr. FULTON. I wish to interrupt the Senator so that at least he may understand me. The Senator says the Government has compelled him to take the water. I do not contend that at all.

Mr. TELLER. No; but the Government can compel me to pay for the water or the Government can take the land away from me. I can have my choice, and it is a delightful choice, as you can see, in the case of a man who has not got the money to pay for the water. In fact, he has not any choice at all. The Government simply takes his land. How the Government can take it under this bill I do not know. Even for the purposes which the Senator from Oregon says the bill was drawn, it seems to me that it would not accomplish them. However, Mr. President, I doubt whether this bill will ever get where it will become a question whether it is in such form as will carry out the purposes for which the Senator from Oregon contends.

Mr. President, I want somebody, in these days of free construction and of claims of power in every department of life wherever there is an opportunity to exercise power, to tell me upon what principle my land, which is not to be crossed by this ditch and may not be benefited by this ditch, in my estimation, can be taken. I may think the land is just as good without the ditch as with it. How can I be compelled to go into that scheme, whether I want to do so or not, or to part with my land?

The Government out in our western country has gone to the extent of saying "If you do not come in, we will not sell you any water." It probably has the right to do that, and that may be proper. They will exhaust their amount of water by selling it to other people, and when they have sold it they will not be compelled to sell any more than they have got. So the man who does not come in may be cut out. But that is as far as the Government can go.

The Government of the United States under the claim that the public will be benefited by it can not, in my judgment, take my property. I live in a country where irrigation is necessary, and it might just as well say to me, "You ought to irrigate your land; and if you do not irrigate your land, the Government is going to take it away from you because the Government wants to irrigate it and the public will be benefited by having that section of land of yours irrigated." Mr. President, that does not give the Government of the United States the right of eminent domain. I do not care to go into the intricacies of the question of law involved. I think the law among lawyers is pretty well understood, or at least I thought it was until this morning. Now I am not certain about it.

Mr. FULTON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Oregon?

Mr. TELLER. Certainly.

Mr. FULTON. The Senator talks about the hardships we impose on individuals holding land.

Mr. TELLER. I am not talking about the hardships imposed. I am discussing the supposed right of the Government to take my property without my consent for any other purpose than the public use.

Mr. FULTON. That is the question—whether or not it is a public use.

Mr. TELLER. Is it a public use because the public are to be benefited by it? The term "public use" has been so thoroughly understood for the last two hundred years that I think it is inexcusable for any lawyer in this body, or anywhere else, to apply these new ideas to it—ideas which are not founded upon principle, but are absolutely in violation of personal rights.

Mr. President, this bill of itself even goes beyond what the Senator from Oregon has suggested. The bill, as it comes here, provides that the Government, having taken my property, may lease it or sell it to somebody else, just as the Senator from Idaho [Mr. HEYBURN] has said. That is the gist of this bill. Perhaps it is not intended that that should take place, but that

is what can be done, and what it is specifically provided may be done under the bill.

Suppose, Mr. President, that I have in the State of Illinois or somewhere else a tract of land which I choose to let lie idle, and the weeds to grow on it, and my neighbors complain. The State, I presume, might enact a law requiring me to cut the weeds, or something of that kind; but I do not believe the State of Illinois, or any other State, could enact a law compelling me to sell that land on the ground that it would be better for the community to have that land put under cultivation than to have it lying idle.

I do not believe that any authority can be given by this body or by any other body legally to compel a man to part with the title to his property, except it be for a public use, when it stands in the way of that public use. As the Senator from Idaho has said, there must be a necessity for it, or else it is not to be taken. If there are two ways by which a public purpose may be effected, and by one of them condemnation proceedings need not be instituted and the public will not suffer, the rule is to take that method. When you go into court to take a man's property you have practically to prove that there is a necessity for taking it, and that the public can not get along without it.

Mr. President, I would not have spoken now except that this is a matter that is liable to come up again. I objected to this bill yesterday and supposed that would be the end of it. To-day it is here again, and so I wanted to say, so far as I am concerned, that I do not agree with either the law or the logic of the supporters of the bill.

Mr. HEYBURN. Mr. President, I want to say a word before the matter is closed. I hope some way may be found to avoid an obstruction to this irrigation scheme, which involves several hundred thousand acres. The land which it is sought to condemn is only a little patch within the tract, and the scheme is not at the mercy of these foreign holders. It is only a question of convenience. The real spirit behind it is that the owners of this land shall not be benefited by the Government reclamation scheme, known as the "Malheur project," without contributing to it. Their holding is not sufficiently large to obstruct the scheme.

I would not want to be placed in a position of opposing a reclamation scheme of so much importance as this; but neither would I want to be a party to the enactment of a law that would be held to be unconstitutional. If this bill is enacted and the Department attempts under its provisions to condemn the land, it will tie up the whole Malheur project in the courts for the next seven years, but if no attempt is made to condemn the land, the Government will find a way to get around the difficulty. It is in the interest of a speedy application of the reclamation law to this scheme, known as the "Malheur project," that I object to the enactment of a law that would tangle it up in litigation and keep it there for some time.

#### STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. SPOONER. What has become of the bill that has just been discussed, Mr. President?

The PRESIDENT pro tempore. It has gone over.

Mr. TELLER. Mr. President, I doubt whether there is any Senator who cares to speak on the statehood bill this afternoon. It seems to me that, under the circumstances, a date having been fixed for a vote—

Mr. NELSON rose.

Mr. TELLER. Does the Senator from Minnesota desire to go on with the statehood bill?

Mr. NELSON. Unless the Senator from Colorado desires to speak I wish to submit a few remarks.

Mr. TELLER. I do not care to go on this afternoon. I should like, perhaps, to go on to-morrow, but I do not feel like speaking at this time. I was going to suggest that we go to the Calendar, but if the Senator wants to speak on the statehood bill I do not desire to interfere with him.

Mr. NELSON. Mr. President, it is my purpose briefly to call attention to some of the criticisms and objections which have been made to this bill. First, I desire again to call the attention of the Senate to the situation in the Indian Territory. There seems to be in respect to that situation an entirely erroneous impression. As a matter of fact, Mr. President, there

are more real Indians in the Territory of Oklahoma than there are in the Indian Territory. There are upward of from twenty to twenty-five thousand—perhaps thirty thousand—full-blooded reservation Indians who have not by any means reached that stage of progress which the Indians of the Five Civilized Tribes have reached.

Mr. PLATT of Connecticut. The Senator means there are that number of Indians in Oklahoma?

Mr. NELSON. I mean in Oklahoma.

Why Senators should be so concerned about the Indians in the Indian Territory and consider their rights as something paramount to and an obstacle to statehood and should not take the same view in reference to the Indians of Oklahoma I do not understand.

Mr. BERRY. Will the Senator permit me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Arkansas?

Mr. NELSON. Certainly.

Mr. BERRY. I understood the Senator to say that there are more Indians in Oklahoma than in the Indian Territory.

Mr. NELSON. "Real Indians," I said.

Mr. BERRY. I presume the Senator refers entirely to full bloods.

Mr. NELSON. Yes; I referred to them.

Mr. BERRY. There are not so many when you include the half-breeds, the quarter-breeds, etc. There are in the Indian Territory eighty-odd thousand of what are called Indians—those who have Indian blood in their veins.

Mr. NELSON. Yes.

Mr. BERRY. That is correct, is it not?

Mr. NELSON. Certainly.

I said the other day, and I reiterate it, that the membership of the Five Civilized Tribes is upward of 80,000; but a large number of them are pure whites, members of the tribes and nations by marriage and adoption, while another large portion are what might be called "diluted" Indians, in whom there is only the faintest trace of Indian blood. Of full-blood Indians I think there are not in the Indian Territory to exceed from twenty to twenty-five thousand. So that there are really more full-blood Indians in Oklahoma Territory than in the Indian Territory, and if it is a matter of protecting the Indians from aggressions of the whites, and if statehood is regarded as something that will injure the Indians, there is more danger from that cause in Oklahoma than there is in the Indian Territory.

Furthermore, let us see where the argument that Senators advance in the case of Indian Territory would lead. What is the exact condition? Three or four years ago the Indians of the Five Civilized Tribes were, by an act of Congress, made full citizens of the United States. We have allotted to them in severalty nearly all their lands, the allotments, as I have explained, being divided into two classes—homestead allotments and other allotments. We have further provided by recent treaties, negotiated pursuant to the Curtis Act and other acts, which treaties have been ratified, that the tribal legislatures which they formerly had and their tribal courts shall be utterly discontinued, and that their tribal relations of every kind shall cease by the 4th of March, 1906. Under existing laws when that time comes the condition of the Indians will be this: They will be full citizens of the United States, and their tribal governments, such as they were, will be utterly extinguished. They will have had all their lands allotted to them in severalty, and, except in the matter of allotments, they will stand exactly on the footing on which the other citizens of that Territory stand.

What good would it do those Indians, I ask, to perpetuate a species of Indian government, a kind of Indian supervision over them after that time, to perpetuate an imperium in imperio? To perpetuate such a government under one guise or another, either under the guise of the amendment suggested by the Senator from Nevada or under any other form, would be mischievous indeed and a great hardship to the Indians.

Of all the Indians in this country, Mr. President, that I have seen the most manly, the most self-sustaining, and those who have accomplished most in the matter of real civilization and Americanization, are those in southeastern Alaska, in the Alaskan Archipelago. Those Indians have in no manner received any help, aid, or assistance from the Federal Government. They have had no annuities and no allotments. They are not citizens, and there is no law under which the Indians of Alaska, no matter how good they may be, can secure the little piece of land on which they and their forefathers have squatted for more than a hundred years. Yet they are in a more progressive state and further advanced than any Indians in this country of whom I have knowledge.

It seems to me—and I say it with all due respect, for I know the Senator from Colorado is sincere in his views—that it is a disadvantage to the Indians to perpetuate in any form or measure the old tribal governments, or to keep them longer under guardianship. We have, by our system of allotments, given them practically all the protection they need. Their homestead allotments in the case of four of the nations are inalienable for twenty-one years, the time that it takes an American-born child to become entitled to vote as a citizen of the United States, and in one case—that of the Seminoles—their allotments are inalienable in perpetuity. As to the other Indian lands, in the treaties that we have concluded with them recently there is a five years' limitation upon the right to sell the lands. That restriction, as I mentioned the other day, was removed by a paragraph in an Indian appropriation act. Under that provision allotments that are not homestead allotments, and those that do not belong to minors and full-blood Indians, may, with the permission of the Secretary of the Interior, be sold. That is the state of the case.

If we want to be friendly to the Indians, my idea is that we must aid them to become American citizens, and not encourage them to continue living as Indians; we must let them take pot-luck with us.

I know something about the Indian question. There is a large reservation in the northern part of my State, the White Earth Reservation, which has as fine agricultural land as can be found in any part of Minnesota. That reservation is occupied by some two or three thousand Chippewa Indians, remnants of the old Chippewa Nation. Some years ago those Indians had land allotted to them in severalty—80 acres to each member of a family, 80 acres to the husband, 80 acres to the wife, and 80 acres to each child—and yet what do they do? Except in a few cases of what are called "half-breeds," those who are nearly white, they never touch their land. They rent it to the settlers who live on the outskirts of the reservation. And yet those Indians every year get their annuities. They sit around the agency with their pipes, and wait until that little pittance of an annuity is paid them. They rent their allotments to the settlers on the outskirts for what they can get; and that is the whole extent of their farming. In development and in all that goes to make up citizenship they are far behind the Indians of Alaska, who have had no advantages whatever, who have had no help and no assistance of any kind from the Government.

In the next place, I wish to call attention to the character of an argument that has been advanced on this floor, first by the Senator from Idaho [Mr. HEYBURN], then reiterated by the Senator from North Dakota [Mr. McCUMBER], and I take it by other Senators. They seem to be under the impression that this great country of ours has an artificial dividing line at the Mississippi River, and that the great question involved in this matter is one of balance of power between the country east and the country west of that river. This is a most novel and strange doctrine to me. I have served in this body for nearly ten years, and I have never in all my experience found any hostility on the part of the people east of the Mississippi River to what we needed west of the Mississippi, if we had a righteous measure.

I want to say incidentally that I am, perhaps, in a better position to be impartial on this question than most men, for my own State, the State which I have the honor to represent in part on this floor, is partly on both sides of the Mississippi River. We are right at the head of it. A portion of our State, a quarter of it, I should think, is east of the Mississippi River, and the people west of the Mississippi River, where I live, if it had not been for Thomas Jefferson, that great Democratic apostle, would probably have been Frenchmen.

Mr. BEVERIDGE. Will the Senator from Minnesota permit me to ask him a question?

Mr. NELSON. Certainly.

Mr. BEVERIDGE. Does the Senator find in his own State that the people on the one side of the river are hostile to the people on the other?

Mr. NELSON. Not at all.

Mr. BEVERIDGE. Or does the Senator further find that any so-called "American communities" in his State are hostile to those settled by immigrants from Europe?

Mr. NELSON. Not at all.

Mr. BEVERIDGE. Is it not a harmonious American unity, without regard to race or geographical divisions?

Mr. NELSON. That is undoubtedly true.

Mr. BEVERIDGE. Is not that as true of all this country as it is of the Senator's own splendid State?

Mr. NELSON. Undoubtedly.

One Senator the other day pointed to the map and said, "Look



at the area, and then count the Senators east and west of the Mississippi River." Suppose northern Africa, Morocco, Algiers, and all that country, from the ruins of Carthage out to the Pillars of Hercules, had been in a confederate republic, and some statesman from the Desert of Sahara had got up in its legislative body and said, "Do you propose to leave the great Desert of Sahara unrepresented? Ought you not to keep it in an equilibrium in the legislative assembly with the rest of the country facing the Mediterranean here?"

Senators refer to the difference between the thirteen colonies that formed the Union; how some of them were very small and some very large; but they overlook the great historical fact that those colonies were from their very inception independent governments and independent sovereignties. Some of them began as Crown colonies and some as proprietary colonies; but, whatsoever the form, they maintained their separate existence as independent governments throughout the Revolutionary war and under the Articles of Confederation and, finally, when it was deemed necessary to adopt a Constitution and a more perfect form of government than that under the Articles of Confederation the colonies came in as independent sovereignties, and, so far as the matter of legal right is concerned, on an exact footing of equality. When it became a question of cementing the Union, they could not, in the very nature of the case, take into account the differences in size and population of the various colonies. So that illustration and that contention furnish no basis for argument in this case.

Mr. BEVERIDGE. I do not want to interrupt the Senator, and if the Senator will say I am interrupting him I will not proceed.

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Indiana?

Mr. NELSON. Certainly.

Mr. BEVERIDGE. If it is agreeable to the Senator, in this connection the fact might be pointed out that in the constitutional convention the plan was proposed by Madison and supported by the weightiest minds in the Convention that there should not be a Senatorial representation by areas or States, but from Senatorial districts, and the difference of opinion upon that question was the crux of the whole business upon which the proposed Constitution finally almost foundered.

The reason why the present method was adopted was because the smaller colonies would not ratify the Constitution unless it was agreed that they should have equal Senatorial representation.

As the Senator says, the colonies were independent governments, whereas the States which have since been created and added to the Union have been carved out of what the Constitution calls "territory belonging to the United States."

Mr. NELSON. The Senator is undoubtedly correct.

Of all the arguments which have been advanced against this bill the most untenable to my mind is the argument to divide our country by the Mississippi River and to assume that the country west of it can not receive justice from the country east of it, and that without any regard to population, resources, or fitness we should admit all the country west of the Mississippi River with a numerous Senatorial and Congressional representation in the Houses of Congress.

I do not think any Senator can honestly say that in the matter of legislation in this Chamber or at the other end of the Capitol he has ever found by his experience that legislative measures have been passed upon by the line of the Mississippi River. I have never known a case where the people who live east of the Mississippi River asked themselves the question whether a proposed legislative remedy was to be applied east or west of the Mississippi River. Those east of the Mississippi River and from the New England States gave it as much consideration as do we who come from west of the Mississippi River.

Often times I have felt, and I think many Senators have felt likewise, that it is wholesome in legislation that we have a legislative brake, and sometimes in the wild West, where we become enthused with the spirit of the cowboy, we are apt to go a little too rapidly, make a little too much speed, and become a little too reckless in the manner in which we ride. So that I have felt—

Mr. BAILEY. -Mr. President—

The PRESIDING OFFICER (Mr. HOPKINS in the chair). Does the Senator from Minnesota yield to the Senator from Texas?

Mr. NELSON. If the Senator will permit me to finish my sentence, I will yield. I have felt time and again that it was wholesome for us in this body to have a little legislative brake coming from the older States east of the Mississippi River.

I now yield to the Senator from Texas.

Mr. BAILEY. I simply interrupt the Senator to say that when he feels this wild disposition tingling in his blood he can be restrained by an application at the White House.

Mr. NELSON. I wish to say to the Senator that sometimes we are apt to get a little slow and drowsy here, as people do in other bodies and audiences, and it is very good under those conditions to have a good prompter, no matter whether in the White House or elsewhere.

There is another illustration used here, and that is this: Senators enumerate the population which many of the Western States had when they were admitted into the Union, and say, "Indiana had such a population, Minnesota such a population, and these other States such a population, and look what these Territories have!" That is a misleading citation of authorities for a double reason. In the first place, the aggregate population of the country was then very much smaller than it is to-day, and when those Territories were admitted as States their population was large in comparison with that of the older States of the Union.

In the next place, the argument overlooks this point: We always have a right to see whether a Territory has in it, even if its population is scant for the time being, the elements of vitality, of resources, and of vigor that will make it a great State.

I will give an illustration, and you can see how it works. New Mexico was organized as a Territory in 1850. It has an area, if I remember aright, of a hundred and twenty-two thousand square miles. It has had a Territorial government, a legislature. There has been nothing to check its growth. In 1850 New Mexico had a population of a little over 61,000. In 1850 Minnesota was still a Territory, with a population of only 6,000, and with an area of only 83,000 square miles, much less than that of New Mexico. In 1900 Minnesota had 1,751,000, while New Mexico had less than 200,000.

Now, it will not do to say in this connection that the Territorial harness has kept it back, for it has not. We have an illustration in the case of Oklahoma. Oklahoma Territory, with an area of about 24,000 square miles, in 1890 had a population I think of 61,000, and at the last census, ten years later, Oklahoma had a population of nearly 400,000. There you have an illustration how, when the resources are in the country, when the country is adapted to it, a country will grow just as rapidly under a Territorial government as under a State government.

You have a still better illustration in the case of the Indian Territory. Look at that country—a very garden spot of Eden, with fine agricultural lands, natural gas, valuable coal mines, a great many other valuable minerals, a fine body of timber, comprising over a million acres, with especially valuable timber in the Choctaw Nation. That country has been in a sort of strait-jacket during all this time under tribal government and tribal courts.

Mr. BEVERIDGE. With no laws to speak of.

Mr. NELSON. With hardly any laws except that in late years Congress has given them little municipalities or towns, where the whites have had a legal standing and where they have been able to secure lots and residences and to maintain schools. Outside of that the country has been within the realm of the Indian, with no schools, no government of any kind.

Yet because of the fertility of that country and its natural resources white people have poured into the Indian Territory as rapidly and in as great numbers as they have into Oklahoma.

Those very drawbacks have not retarded them. The people have come there, and they are as good a class of people, as I said the other day, and as was reiterated by the Senator from Texas [Mr. BAILEY], as those who have gone into Oklahoma Territory or those who have settled any portion of our Western States. Yet in spite of all these drawbacks and handicaps they have gone in there and they have preserved by themselves in the true American spirit law and order, with no advantages of legal government.

The history of these two Territories—Indian Territory and Oklahoma—demonstrates how important it is to take into account the resources and character of a country.

It goes to show that even if a country may at a given time have a small population—like Indiana when it was admitted, like Minnesota when it was admitted—yet if God has blessed it with a good soil, a good climate, and an abundance of rain, the country will grow and prosper and become a great and prosperous State.

How is it with the other Territories of New Mexico and Arizona? Their people are not to blame for the condition existing there. I am not criticising the people. I am simply referring to the condition. Look at New Mexico, almost the oldest settled portion of what is now a part of the United States. Ari-

zona was explored by Coronado more than three hundred years ago.

The Jesuit missionaries and the Spaniards made settlements in those Territories long before there was any other settlement on the west side of the Mississippi River, and yet, with all their age, with the advantages of a Territorial system of government as free as any of our Western States ever had, those Territories are to-day, as they have been during all this period, largely in a comatose condition.

I repeat it is not the fault of the people. It arises from the sterile, sandy, and desert-like character of the soil, and from the fact that they are within the worst portion of the arid belt of the United States.

Congress passed some years ago a reclamation act, with a view of reclaiming those lands. I think it is one of the most beneficent acts Congress has enacted in recent years. But the process of reclaiming those lands, of building those great dams, of securing the water, and of settling up the country by means of irrigation is very slow indeed.

It will take years before that section, even under the most favorable conditions, with our system of irrigation, can become what may be called a really prosperous agricultural country.

Then, you must take into consideration another fact. Look at the people of New Mexico. I am not finding fault with them in any invidious spirit. I am not here to criticise anybody. But let us look at the facts. Those people have been in that country over fifty-five years. Ever since the treaty of 1848 they have been within the pale of the American Union, and yet a large share, nearly half of the people of that Territory, are to-day as much foreigners as they were when they came into this country. They are Mexicans or of Mexican descent. They speak the Spanish language. They teach it in the public schools. They use it in their legislative assemblies. Their laws are published in both languages. They have interpreters in the courts, not only as we oftentimes have them in other places to interpret the testimony of witnesses, but to interpret the arguments of the lawyers, to interpret the charge of the court, and they even have interpreters to go into the grand jury and petit-jury rooms to interpret among the jurymen—a thing unheard of in any other portion of this country.

Now, those Mexicans—and I am not finding fault with them because of it, but merely refer to the fact—have not pursued the course that the large number of immigrants into our Western States have pursued. In the great Northwest in which I have my home—and I may say it has been my lot to be one of the pioneers in two of our great Western States, the State of the Senator from Wisconsin and the State which I in part represent—in those States it is the aim and ambition of our foreign population to learn the English language as rapidly as possible, to become Americanized; and their children in the course of a generation become so perfect in the English language and in American ways that if it were not for their German or Scandinavian names you would never know that their ancestors came from a foreign country.

The spirit of progress has prevailed there. We have never had such a thing as a foreign language being taught in our public schools, except in our higher schools, where they may teach German and French as you teach Greek and Latin. But they never do it as a course of study in our regular public schools. We never have had such a thing as an interpreter in our public halls. We never have had interpreters to interpret the arguments of the lawyers in court. We have never had interpreters to interpret the charge of the court to the jury, and of course we have never had interpreters go into the petit or grand jury room to interpret to the jurymen. Such things have never prevailed there.

Now, until—and I say it with all sincerity—the people of Spanish descent in New Mexico can be imbued with the same spirit, with the same desire to become Americanized in every way, in language and in customs and in manners that our large foreign population is in the Northwest, I hold it would be hardly safe or proper to give them complete control. For that reason, inasmuch as half the population of New Mexico is of this character and the other half is composed of what we call "American people," I have thought it would be an advantage to the Mexicans to have them surrounded with all this large American population in the two Territories in order that they may sooner and more effectively become thoroughly Americanized. In that way they could work in harmony, and the Mexicans would be more at home, being associated with Americans in that country, than they would be if left by themselves.

Mr. TELLER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Colorado?

Mr. NELSON. Certainly.

Mr. TELLER. May I ask the Senator a question?

Mr. NELSON. Certainly.

Mr. TELLER. Is it in that view that in the Senator's bill it is provided that New Mexico, with this foreign population, shall have a majority of the legislature, as they most certainly have a majority of the votes? How does the Senator think the population of Arizona, who are to be in a minority in power by this bill, can influence very much the population in New Mexico, in the way he thinks is desirable, by making them acquainted with the English language?

Mr. NELSON. My reason is this: I think Americans, real Americans—I mean those who are imbued with the thorough American spirit, who have the habits and customs of Americans, and who know the language—are all the same, whether they live in Arizona or New Mexico, and I have no fears at all but that the Americans in the two Territories will act as American citizens do everywhere else for the welfare of their common country and for their State.

Mr. BEVERIDGE. Will the Senator from Minnesota permit me?

Mr. NELSON. Certainly.

Mr. BEVERIDGE. I wish to direct the attention of the Senator from Colorado to this plain answer to his very pertinent question. The Senator from Minnesota has correctly stated that a portion, perhaps half of the people of New Mexico, are Americans. I do not think it is so large a proportion.

It is claimed that practically all in Arizona who are not Indians are Americans. Therefore, if they are united, there will be a preponderance of American population. So does not the Senator from Colorado see that, even assuming what he says is true, that the Mexican population would vote together in electing members to the new constitutional convention and to the legislature? Nevertheless the Americans in the two Territories would outnumber them not only at the polls, but also in the constitutional convention and in the legislature.

Mr. TELLER. May I suggest to the Senator from Indiana that there is an unquestioned majority of Spanish-speaking people in New Mexico?

Mr. BEVERIDGE. Yes; I concede that.

Mr. TELLER. And you have given them a majority of the legislature.

Mr. BEVERIDGE. Which? The Mexicans?

Mr. TELLER. You have given to New Mexico—

Mr. BEVERIDGE. Ah!

Mr. TELLER. A majority of this convention and of the legislature and of the whole proceeding. The American population of Arizona could unite with the American population of New Mexico perhaps on a Delegate, maybe on governor; but when it comes to members of the legislature they would have no power to assist their fellow-Americans.

I wish to add another thing. If the condition in New Mexico and Arizona is such that you are to get up a contest between the English-speaking people and the Spanish people, then you ought not to admit either of them.

Mr. BEVERIDGE. But, Mr. President, to the second suggestion made by the Senator from Colorado, if the Senator from Minnesota will still permit me, comes this answer, which goes to the root of our institutions and the perpetuity of this Republic of people, and that is, the people of this country finally all become Americanized, and all vote, not as Norwegians or Germans or Irish or Dutch, but as Americans.

Does the Senator suggest that the State of Pennsylvania shall be cut in two because there are a number of counties that are called the Dutch counties, and a certain other number of counties that are called the Scotch counties? Certainly not. Those who live in the seventeen Dutch counties, I believe, are just as good Americans as those who live in the other counties. I do not think there is any virtue in the whole argument. But that is directed to the second suggestion of the Senator. The whole opposition to this bill has been based upon two things—one the sectional argument and one the racial argument.

But, Mr. President, going back to the first question of the Senator, does not the Senator see that if it be true that the Mexicans of New Mexico were to vote as a unit, as a racial body, for members of the constitutional convention and the legislature, which was what the Senator suggested, they would, if the two Territories are joined, be outnumbered by the Americans in the reunited State?

Mr. TELLER. No; they would not be, Mr. President. That is not a fact. They would not be outnumbered. I want to say that I have never raised the racial question.

Mr. BEVERIDGE. No; I did not say the Senator had.

Mr. TELLER. I hold that the Spanish-speaking population in New Mexico are as much Americans as the Senator from Indiana is an American. I have seen them for almost half a



century. I know when the Government of this country was in distress, when it wanted men to defend its existence, those people came to the front in numbers equal to those of any other community in the United States, unless it was the community in which I lived, where we gave more in proportion to our population, because it was an adult male population, than any other section of the United States. Those Mexicans were as loyal to this country as the men born anywhere in New England. They are as loyal to the principles of this Government as any people on the face of this continent.

There may be, and always will be, a little friction between the people who speak different languages, and it is not only the case in New Mexico. It can be seen in Minnesota, and it can be seen in other Western States, where the people who speak one language are pretty apt to get together on some things, especially when one of their number is running as a candidate for office.

Now, when the Senator says what we call the American population down in Arizona and New Mexico—I mean by that the people who are not of Spanish origin—will control, that might be the case if the population of Arizona were carried over and planted in New Mexico, but it never can do it and never will do it at the great distance of Arizona from New Mexico.

Mr. BEVERIDGE. Mr. President, still, with the permission of the Senator from Minnesota, I wish to make this observation in reply to the eulogy the Senator from Colorado paid to the people of New Mexico. In the very beginning of the debate in opposition to this bill the heretofore unheard of proposition was made that in Arizona and New Mexico we have two separate and hostile bodies of American citizens, with different institutions, different ambitions, and a different destiny. That new American doctrine was stated by the Senator from California [Mr. BARD]. I did not attribute it to the Senator from Colorado. The whole opposition to this bill has proceeded upon that assumption. I merely make that reply to the Senator's suggestion. We had it stated at the beginning of this debate in opposition to the bill that those two communities are antagonistic, heterogeneous, and hostile; that is an argument that has no place in a Republic like ours; and yet that is the argument of the opposition to this bill.

Mr. TELLER. Mr. President, you might say with some propriety that with the people living in Arizona and the people living in New Mexico not desiring to be formed into a State, if formed into a State against their will, having entirely different interests in many ways, there might be something of that feeling. But nothing I have said has indicated that I do not think the American and Spanish population of New Mexico or the American and Spanish population of Arizona would be as harmonious as any population anywhere in the country.

Mr. BEVERIDGE. Indeed, Mr. President, I did not attribute to the Senator any such statement. I merely said that in the beginning of the debate that proposition had been advanced and that the opposition to the bill has gone upon the sectional argument and racial argument ever since.

Mr. CLAY. Will the Senator from Indiana let me ask him a question? I understood him to say that the principal reason which controlled the committee in joining Arizona and New Mexico was the fact that the Senator found that it was essential, in order that the Anglo-Saxon should control the new State, that the true Americans in Arizona and New Mexico would unite and control the State government.

Mr. BEVERIDGE. Oh, no.

Mr. CLAY. One minute. Let me ask the Senator the question—

Mr. BEVERIDGE. The Senator says he understood me to say that.

Mr. CLAY. I am not through with the question yet. I understood the Senator to say that he found the best interests of good government demanded that, in view of the two elements, the true Americans in both Territories should unite and control the new State for the purpose of taking care of the government there in the future.

Mr. BEVERIDGE. Now, the Senator has stated two understandings that he had of what I said. Which understanding does he understand?

Mr. CLAY. If I have stated two distinct propositions, as the Senator says, the Senator ought to be able to answer them both, if they are so distinct.

Mr. BEVERIDGE. The Senator has stated two understandings of the same thing I said, and he has asked me if he understood me correctly. I ask the Senator to select one of the two understandings.

Mr. CLAY. I regret that I could not make myself plain to the Senator from Indiana. I distinctly said that I understood the Senator to contend that they endeavored to unite the true

American population of the two Territories, so that they would act together and control that State in the future; and I ask the Senator if he thinks good government demands that such a course shall be pursued?

Mr. BEVERIDGE. Mr. President, the Senator has got mixed up. Neither the Senator from Georgia nor any other Senator has heard me say that the chief reason, to use his own language, which inspired the committee to report the House bill that joined these two Territories was that at all.

In answer to an interruption of the Senator from Colorado, that the objection to the reunion (because this bill is a reunion of Arizona and New Mexico) was that the Mexican population was given by this bill a majority in the constitutional convention and in the legislature, I pointed out the fact, which is clear and plain upon the face of the statistics, that the American population of the reunited State outnumbered the Mexican population. Therefore his point fell, because there would be more Americans both in the constitutional convention and in the legislature than Mexicans, even if his point was correct, which later on he admitted it was not. But if they are not reunited this happy circumstance would not obtain.

Mr. CLAY. Then if I understand the Senator correctly, his position is that we are endeavoring to give the true Americans in Arizona and New Mexico control of the new State. I think I understand the Senator correctly.

Mr. BEVERIDGE. I do not know what the Senator's understanding is, and I disclaim any responsibility for any understanding the Senator may have of what I said.

The PRESIDENT pro tempore. Has the Senator from Minnesota yielded the floor?

Mr. NELSON. Mr. President, I was about through. I desire to call attention to only one or two other matters.

In the first place, it has been repeatedly said here that there is great hostility in New Mexico and in Arizona to the passage of this bill. There is some opposition, I admit. I think a majority of the people in New Mexico would agree to accept joint statehood. Perhaps in Arizona it is different. But I wish to say to you, Mr. President, that some of the most strenuous opposition I have encountered to that feature of the bill comes from railroad interests in that country, and it places them in a very strange predicament. Those same railroad interests want Oklahoma and Indian Territory admitted as one, but that is not the case when it comes to New Mexico and Arizona.

Perhaps I have done the railroad men injustice, but I have asked myself the question whether these great corporations have not felt that there was a greater opportunity for exploitation in Arizona and New Mexico in their present condition than there would be if they became a State. And I have asked myself the further question, Is it not because they feel that their day of exploitation is past in respect to Indian Territory and Oklahoma that they are quite willing that they should come into the Union? I may do these people an injustice, but at least some of this opposition has come to my notice.

Now, there is another question about the matter of prohibition in the Indian Territory. In approaching that question we ought to disabuse our minds of all maudlin sentiment on the subject and look at it in its practical light. I said a moment ago that we have quite a little Indian population in northern Minnesota—I presume altogether between 4,000 and 5,000 in the extreme northern portion. We have found ourselves in Minnesota perfectly competent and able to take care of the liquor question among the Indians by putting a clause in our constitution and in our laws prohibiting the sale of liquor to these Indians. That law has worked well. It has been enforced. Of course there never was a law but what somebody would violate it in some form or another, but we have found that constitutional provision to be ample in dealing with the liquor question among the Indians.

I am not speaking for the committee, but my own individual opinion in respect to the Indians, both in what is now Oklahoma Territory and Indian Territory, is if we put a provision in the constitution prohibiting in any form the sale or barter or giving of any liquor to the Indians we have accomplished all the practical good that we can accomplish. If it is necessary to put in a prohibition plank to protect the Indians in what is now the Indian Territory, why is it not in a like measure necessary to put in a similar plank in respect to what is now Oklahoma Territory, for they have as large a population of full-blood Indians there?

Then look at it from a practical standpoint in another light. Suppose you do put in a provision making prohibition either for twenty-five years or perpetual in the Indian Territory, what is the result? On the west side of that line, in what is called

Oklahoma Territory, prohibition will not prevail. It does not prevail, I believe, in the States south and east of it.

All around the confines of the little Territory that we call Indian Territory prohibition does not prevail, and what will be the result, Mr. President? The result will be, as a matter of fact, that in spite of all legislation there will be a line of what we call out West "blind pits" scattered all along the borders on all the four sides of the Territory, where the Indians by a little journey can get all the liquor they want.

I see my friend from North Dakota [Mr. HANSBROUGH] here, and he will pardon me for calling attention to one fact in connection with this case which illustrates it. I do not say it to criticize his own State. His own State is prohibition. Right on the Red River of the North there are two large towns, especially beautiful towns—Fargo, in North Dakota, the metropolis of population and wealth of that fine and growing State, and right across the river is Moorhead, in the State of Minnesota. I have noticed when I have been up in that country that they have been running free buses from Fargo, the prohibition side, across the little narrow Red River over to Moorhead to get their drinks. Is not that correct?

Mr. HANSBROUGH. My information is that the carriages or buses, frequently termed "jag wagons," I believe—

Mr. NELSON. "Jag wagons." That is correct.

Mr. HANSBROUGH. Are owned by the saloon keepers of Minnesota. Of course, we have no control over the morals of Minnesota.

Mr. NELSON. I do not dispute that question, but the fact remains, whether it is the saloons of Minnesota or whether it is the good citizens of Fargo, they have what they call "jag wagons" going across the little narrow stream, the Red River of the North, into Fargo, loading their "jag wagons" up—it is a kind of a hack with a cover over it—and taking them across the border into Minnesota to fill up, getting the whisky for a good price and the ride free.

Mr. BEVERIDGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Indiana?

Mr. NELSON. Allow me to complete my argument. What I am afraid of is that if they force absolute prohibition within the limits of Indian Territory, a small country with States all around it, where there is no prohibition, there will be an army of jag wagons all along the border bringing liquor from over the border to these Indians and prohibition will become an absolute farce and an absolute failure.

Mr. BEVERIDGE. There is one thing—

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Indiana?

Mr. NELSON. This is my opinion. I will yield to the Senator.

Mr. BEVERIDGE. It is not very much, only I want to get this matter clear in my own mind. I was interested in this development of the state of affairs in our great Northwest. As I understand it from the Senator from Minnesota, as explained by the Senator from North Dakota—I do not say so, but as Senators who are listening understand the Senators from Minnesota and North Dakota—the industry of the constituents of the Senator from Minnesota supplies the thirst of the constituents of the Senator from North Dakota. I do not say this, but that is how it sounds—that seems to be the joint opinion of the Senators. Is that correct?

Mr. NELSON. To some extent, I believe.

Mr. HANSBROUGH. I will say to the Senator that we have a very large population in North Dakota that came originally from Indiana.

Mr. BEVERIDGE. Mr. President, I have always had a predilection for North Dakota, and I now find one more good reason in addition to the many other reasons I have. I find the reason why, among others, North Dakota has sent such admirable representatives to this body, and I am thankful to the Senator for calling my attention to that fine element of its population. North Dakota is a noble State, and Indiana is proud of having given her children to people North Dakota's broad prairies.

Mr. NELSON. So, Mr. President, coming back to the serious side of this question, I think if we put prohibition in the constitution, absolutely prohibiting the sale or barter or giving of liquor to the Indians, we have accomplished all the good we can for practical purposes. And yet I want to say that there is a strong prohibition sentiment that looks at it in a different light, and knowing, as I have known for many years, that I am far from infallible in these matters, when this sentiment approached our committee we yielded to the extent of agreeing to a prohibition period of ten years. But while we yielded to that sentiment, Mr. President, I am still of the opinion that practically it will do no good; that it will be of no effect. Those who want liquor

and pine for it and thirst for it will find a jag wagon at the border through which they can easily get it.

Mr. HEYBURN. I should like to ask the Senator from Minnesota a question.

Mr. NELSON. Certainly.

Mr. HEYBURN. I should like to inquire if the Senator is advised as to how many, if any, of the population of Indian Territory and Oklahoma would be classed as Indians not taxed?

Mr. NELSON. I think none of them. They are full citizens.

Mr. HEYBURN. Then I call attention to the following provision, on page 25 of the bill:

The constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed.

Would that leave an opening for the legislature or the constitution of the proposed State at some future time to exclude any class of the Indians from citizenship?

Mr. NELSON. Not at all.

Mr. HEYBURN. Then why have the provision in the bill?

Mr. NELSON. For the very reason that that provision is of no account in respect to the Indian Territory, because when allotments have been accomplished they are made full American citizens, and their tribal government ceases in March, 1906. That provision is rather for the benefit of 20,000 or 25,000 reservation Indians in what is now the Territory of Oklahoma, and it is exactly applying the same principle we have applied in all our Territorial governments. Where there are such Indians the Government has always preserved that right.

Mr. HEYBURN. Then would it result in all the Indians having full citizenship that could not be affected by the Constitution or by the legislature in the area now known as Indian Territory, and deprive the Indians on the two reservations now in Oklahoma of the same rights, making two classes of Indians in the same State of equal natural attributes of citizenship?

Mr. NELSON. There are to-day two classes of Indians just as we have in some of the Western States; but we have a law called the "general allotment law." We have a general allotment law, passed some years ago, relating to all Indians. I think it was known as the "Dawes law." Under that general allotment law whenever allotments in severalty are made to the Indians that fact makes them citizens of the United States. The limitation upon taxation here is simply a limitation upon these small homesteads.

Mr. HEYBURN. It is a limitation upon citizenship, not upon taxation.

Mr. NELSON. This limitation is upon citizenship. Indians as they are, in a tribal state, and before allotments are made to them, are considered the wards of the nation. They are in respect to their reservation just as though that was not a part of the State in which they are located. In Minnesota we have a large Indian reservation, the White Earth Reservation. In respect to that portion of our State the jurisdiction of the Federal Government over those Indians is as complete as though that reservation was outside of the borders of the State of Minnesota. And so it is in every case. That is the effect of this law. As long as an Indian is a member of a tribe and receives annuities he is not a citizen. The moment he ceases to be a member of a tribe, the moment he receives his allotment and ceases to draw his annuities, that moment he is a citizen of Minnesota and can vote. The result will be the same here. There would be no impediment. This constitution forbids the future State of Oklahoma from giving the right to these Indians to vote.

Now, Mr. President, I have said more than I intended to say at the beginning. I want to reiterate what I have said in different form before, that this territorial equilibrium, an equilibrium in representation that we have heard so much of in the Senate, does not meet with my favor or approval. There is another equilibrium, Mr. President, that we ought to take into account, what I call the great moral equilibrium, the fitness, the capacity of these Territories to become States in the form we will admit them.

The Constitution has given us ample power, and it is for us to act wisely and discreetly in this matter. Here is a vast barren country—New Mexico and Arizona—the oldest settled portions of the United States. They are to-day with a comparatively small population. The arable land, the land that is capable of sustaining a population, is limited. Those areas are simply small oases in the desert, and until we can develop them and get them into a more prosperous and populous condition it will be idle to make these Territories, just because of their immensity, into separate and single States. The way to do it is to hold together Oklahoma and Indian Territory and make them into one great State, and to make Arizona and New Mexico into one State, which not to-day, but fifty years hence, perhaps a hun-



dred years hence, may become a considerable State, but it will never, with all its territorial dimensions, become a State like the State of Oklahoma.

Mr. BATE. I should like to ask the Senator from Minnesota a question on the point he is now discussing. The Senator is speaking of the moral and educational standard. I wish he would give me the name of any State in the United States, except Utah, that had such a clause in her constitution as to a moral or religious qualification. Can the Senator name a single State?

Mr. NELSON. We have no qualification prescribed in the constitution as to morals, that I am aware of, unless the Senator refers to the prohibition clause in respect to Indian Territory. We have no other restraint; we have nothing else reaching the moral question, unless perhaps also the polygamy clause. Those two are the only clauses which operate as a moral restraint. We have followed in one instance the precedent set in the case of Utah and in the other instance we have to some extent followed what we considered a part of the moral sentiment of the country.

Mr. BATE. The case of Utah was isolated and exceptional. The Senator can not put his finger on a single constitution prescribed for a State of this Union which contains any such doctrine as is spoken of in that constitution.

Mr. NELSON. Does the Senator refer to the polygamy clause or the prohibition clause?

Mr. BATE. I refer to what the Senator stated it to be, an educational or moral qualification.

Mr. NELSON. I am aware of no other clauses. There is one other restraining clause, if I remember it aright, which might bear on the moral question indirectly. We require that all the State officers in the State of Arizona—that is, in New Mexico and Arizona—shall speak and use the English language. I can not think of any restriction except the prohibition clause in respect to Indian Territory, the polygamy clause, and the requirement that the State officers must speak the English language.

In other respects I do not think that the constitution that we suggest to them is open to the objection that we attach to them different moral requirements than we have imposed in the case of other Territories. If I am mistaken about this, I should be glad to have the Senator from Tennessee [Mr. BATE] point out the particular requirement to which he refers.

Mr. BATE. Mr. President, in regard to what the Senator from Minnesota [Mr. NELSON] has said as to the language used in New Mexico, I do not know of any Territory which has been received into statehood as to which we provided that there should be anything in its constitution in regard to the language which should there be spoken. I do not know that it has ever been provided that the English language, the Spanish language, or the Indian tongue, or anything of that kind should be used by the people. I know this, however, Mr. President, that, whether or not it be true that those people speak the English language, they have been good citizens of the United States, and that they have paid their taxes when called upon to do so. Though some of them speak a different language from ourselves, when they have been asked to enter our Army they have come to the rescue, and their heroic deeds are a part of our history. Yet for the past fifty years they have been struggling and knocking at our door to be admitted to statehood. That is what I understand about them.

It is true that some of those people speak their native tongue; but the same is also true in the State of Minnesota, so ably represented in part by the Senator who has just spoken. There are many people in Minnesota who speak their native tongue; but are they less worthy citizens by reason of that fact? Should they for that reason be deprived of all the privileges and prerogatives of other citizens? Not so, Mr. President.

But I differ from the Senator from Minnesota in regard to the number of those in New Mexico who speak only the Spanish language. I understand that a large majority of those who are of Spanish descent—descendants of those who came in under the treaty of Guadalupe-Hidalgo—also speak the English language. I do not know how definitely; I can not speak accurately; but I believe that that has been the case.

It has also been urged as an objection to those people that it is necessary in court proceedings to employ interpreters, thereby giving rise to trouble in their courts. That is a difficulty which arises in other States. It is also oftentimes true in the State of the Senator from Minnesota. I have known of cases where it was necessary in my own State; and the same is true in many of the older States. Therefore it would not be fair to keep those people out of the Union for that reason. There is no State as to whose admission we have imposed conditions as to education or language or anything of that kind in its constitution. When a State comes into the Union, it comes in with the

power that belongs to the original States; and by that expression I mean the thirteen States. Morality, religion, and language were not spoken of at all.

Mr. NELSON. Mr. President—

Mr. SPOONER. I want to ask the Senator from Tennessee a question.

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Wisconsin?

Mr. NELSON. Certainly.

Mr. SPOONER. The Senator from Tennessee says that in no constitution of any existing State is there anything relating to morals, language, or education.

Mr. BATE. As a condition precedent to the admission of the State into the Union.

Mr. SPOONER. I ask is there anything in this bill about education, language, or morals?

Mr. NELSON. I was about to answer that. There is no restriction. The Senator from Tennessee [Mr. BATE] has referred to what has been said here in argument rather than to anything contained in this bill. There is no linguistic restriction contained in the bill. There is nothing to prevent those people, even in the courts, from using a foreign language. The only inhibition is that those who hold what we term "State offices" shall be able to read and write the English language. Aside from that there is no restriction. The people can continue, so far as this proposed law or any of the provisions of it are concerned, to speak their own Spanish language in the future as they have been doing in the past. There is no other restriction in any shape or manner. We have left that matter to be dealt with by themselves in their new State. There is nothing in the bill that inhibits them from using their native language.

Mr. NEWLANDS. Mr. President—

Mr. NELSON. I yield to the Senator from Nevada.

Mr. NEWLANDS. I should like to obtain from the Senator from Minnesota some information regarding the so-called "Mexican" population in New Mexico. I understood the Senator to say that the majority of the population of that Territory were of Mexican descent, that they still speak the Spanish language, and that interpreters are required in the courts and before grand juries and petit juries. I should like to ask the Senator whether any steps have been taken in that Territory, either by the Territorial government or by the National Government, to instruct the Mexican people in the English language and to wean them from the universal use of the Spanish language?

Mr. NELSON. I want to say to the Senator that in later years, since the American population there, though numerically less, have obtained control of the Territorial government, they have established a system of common schools, very good schools, which are becoming better and better. At first in many of those schools the Spanish language was taught, but that is gradually disappearing, and they are gradually becoming thoroughly American schools. The people there to a large extent are sending their children to those schools. Of course, the Senator understands—and there is no use of disguising it—that they are handicapped in this way: They are members of a church which requires their children to attend the parochial schools, and many of them are required to attend such schools, where they are taught in a foreign language—the Spanish language. That has been to some extent a handicap and a drawback; but I think the Territory as a whole, through its legislature and its public officials, is attempting to carry on a system of public instruction such as we all approve of and believe in in the other Territories and States.

The Mexican element is gradually improving. I looked up this question two years ago more carefully than I have been able to do at this session. I then found that in recent years there had been a marked improvement. From the governor's last report, which I have read, I think a still further improvement has taken place, and I think before a great many years the young generation now growing up will become English speaking.

Mr. NEWLANDS. I ask the Senator whether in those counties which are densely Mexican, there are schools in which English is predominantly taught?

Mr. NELSON. Public schools?

Mr. NEWLANDS. Yes.

Mr. NELSON. I think in all the public primary schools it is the aim of the law to instruct the children in the English language.

Mr. NEWLANDS. I presume that those schools are supported by Territorial taxation?

Mr. NELSON. Certainly.

Mr. NEWLANDS. And that they receive no aid at all from the United States?

Mr. NELSON. That is true.

Mr. NEWLANDS. I inquire if New Mexico should be ad-

mitted as a State under that name and under its present Territorial government, whether it would not be well to devise some system of Government aid, such as we have already given to other States after organization? It seems to me the education of those people would have been very much advanced if the Federal Government, in the spirit of liberality which it has displayed toward other Territories and toward the States themselves, had taken the opportunity of increasing the knowledge and use of the English language in that Territory.

Mr. NELSON. Mr. President, that is exactly what we aim to do by this bill when we give them a municipal land grant of four sections to every township in the Territory, and then, in addition to that, recognizing the sterile, arid, and poor character of the land and how difficult it will be to sell it until it has been irrigated, we make an appropriation of \$5,000,000. The Senator will remember that when we first took up this bill, I discussed that subject. The question was propounded to me why we put that clause appropriating \$5,000,000 in the bill. Some intimated—I do not know whether it was openly on the floor here or privately—that it was intended as a bribe. It was intended for nothing of the kind; it was simply recognizing the fact that, although in acreage this was an immense land grant, yet practically it was of little value, and that in order to give them a start until they could dispose of that arid land it was necessary to provide them with that fund. So, if this bill becomes a law and they become a State, we start the new State with a fund of \$5,000,000—a thing we have never done before in any case of which I have knowledge in the history of the admission of any State.

But, Mr. President, I feel that I have occupied the attention of the Senate longer than I should have done. I have simply aimed to review and answer some of the objections which have been made to the bill.

I say again, as I said at the very beginning, I think it will be to the great advantage of Oklahoma and Indian Territory to be united as one State, and that it will also, in the long run, be to the advantage of the people of Arizona and New Mexico to unite them into one State.

The PRESIDENT pro tempore. The bill is still before the Senate, as in Committee of the Whole, and open to amendment.

#### EXECUTIVE SESSION.

Mr. NELSON. Mr. President, if there is no Senator who desires to speak upon the bill at this time, I will move that the Senate go into executive session.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Minnesota, that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 4 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, February 1, 1905, at 12 o'clock meridian.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate January 31, 1905.*

##### APPOINTMENT IN THE REVENUE-CUTTER SERVICE.

Erwin S. Cooley, of New Jersey, to be a second assistant engineer in the Revenue-Cutter Service of the United States, with the rank of third lieutenant.

##### POSTMASTERS.

###### LOUISIANA.

John Dominique to be postmaster at Bastrop, in the parish of Morehouse and State of Louisiana.

Jacob Plonsky to be postmaster at Washington, in the parish of St. Landry and State of Louisiana.

###### MISSISSIPPI.

Mary G. Stone to be postmaster at Iuka, in the county of Tishomingo and State of Mississippi.

###### NEW JERSEY.

Obadiah E. Davis to be postmaster at Red Bank, in the county Monmouth and State of New Jersey.

###### OHIO.

Edward L. Watts to be postmaster at Peebles, in the county of Adams and State of Ohio.

###### OREGON.

Homer C. Atwell to be postmaster at Forestgrove, in the county of Washington and State of Oregon.

Charles J. Howard to be postmaster at Cottagegrove, in the county of Lane and State of Oregon.

###### WEST VIRGINIA.

Ezra B. Hauger to be postmaster at Terra Alta, in the county of Preston and State of West Virginia.

#### HOUSE OF REPRESENTATIVES.

TUESDAY, January 31, 1905.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

##### DELAYED MATERIAL FOR STEAMSHIP CONNECTICUT.

Mr. FOSS. Mr. Speaker, I desire to present the privileged report, from the Committee on Naval Affairs, of House resolution No. 468. I ask for the reading of the resolution and the report.

The Clerk read as follows:

House resolution No. 468.

*Resolved*, That the Secretary of the Navy be, and he is hereby, requested to transmit to the House of Representatives all communications from the commandant, or other officials, at the navy-yard, New York, relative to delayed deliveries of materials for use in the construction of the U. S. S. Connecticut, and to inform the House of Representatives what action, if any, has been taken by him in reference thereto.

The report was read, as follows:

The Committee on Naval Affairs, to whom was referred House resolution No. 468, after careful consideration, hereby report the same back to the House with the recommendation that it do pass.

Mr. WILLIAMS of Mississippi. What is the nature of this resolution?

Mr. FOSS. It is a resolution introduced by the gentleman from New York [Mr. FITZGERALD], asking for certain information from the Secretary of the Navy, and was reported unanimously by the Committee on Naval Affairs.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

##### ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I am instructed by the Committee on Military Affairs to report back the army appropriation bill with Senate amendments with the recommendation that the House nonconcur in all the amendments and ask for a conference.

The SPEAKER. The gentleman from Iowa, by direction of the Committee on Military Affairs, reports back the army appropriation bill with Senate amendments, and moves to nonconcur in all the Senate amendments and ask for a conference. Is there objection?

Mr. WILLIAMS of Mississippi. Mr. Speaker, I object. I shall object unless an opportunity is given to move to concur partially.

The SPEAKER. That is a right that any Member has.

Mr. WILLIAMS of Mississippi. As I understand the situation, it is not a question of objecting at all. The gentleman from Iowa has a right to make the motion which he has just made.

The SPEAKER. Under the rules of the House the Senate amendments containing propositions for new appropriations would, except by unanimous consent, have to be considered in Committee of the Whole House on the state of the Union.

Mr. WILLIAMS of Mississippi. As I understand the parliamentary situation, Mr. Speaker, it is that the gentleman from Iowa has moved that the House nonconcur in all the Senate amendments and ask for a conference. Is that the situation?

The SPEAKER. Yes; but the gentleman must ask unanimous consent to do that because, under the rules of the House, the bill would go to the Committee of the Whole House on the state of the Union. Without objection that point would be considered as waived, and then the question would come up on concurrence or nonconcurrence in the amendments, and it will be in the power of any Member of the House to move to concur as a privileged motion upon any or all of the Senate amendments, because that would tend to make progress on the bill.

Mr. WILLIAMS of Mississippi. I shall not object under those circumstances.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. WILLIAMS of Mississippi. Now, Mr. Speaker, as a motion to concur in whole or in part has precedence, I move that the House concur in the Senate amendment No. 11, and upon that I would like to be heard.

The SPEAKER. The gentleman from Mississippi asks a separate vote on the amendment referred to, and moves to concur. Is any other separate vote demanded? If not, a vote will be taken on them in gross.

Mr. DE ARMOND. Mr. Speaker, I would like to ask information about another amendment—the one on page 10, in relation to the subordinates in the office of the Military Secretary.

Mr. HULL. The committee recommend nonconcurrence.



Mr. DE ARMOND. I think from the wording of this amendment there is some obscurity about its meaning. I think myself there ought to be nonconcurrence in this amendment. I do not believe it ought to be adopted in its present form. As I understand, there are, for service in this office, five lieutenant-colonels detailed from the line by the Secretary on the recommendation of the Chief of Staff. It is uncertain whether this amendment would cut off those details, and I do not know whether it is intended to do it or not.

Mr. HULL. It would do it eventually.

Mr. DE ARMOND. These gentlemen, the Secretary and the General of the Army and Chief of Staff, are certainly the most competent people to determine about the matter of detail.

I think those places ought not to be filled up as this amendment might do. I, for my part, am in favor of nonconcurrence, and hope the conference committee will see that is changed.

Mr. HULL. Mr. Speaker, I will say to the gentleman that that is correct. If this amendment is passed, it will take out of the detailed system the Military Secretary's Bureau—what was known formerly as the Adjutant-General—and make all of them permanent offices in a very short time, with the exception of all the majors except one; one major would always be permanent.

The SPEAKER. The question will be taken on the remaining amendments.

Mr. MADDOX. Mr. Speaker, I would like to know what that amendment is. Let us have it read.

The SPEAKER. The committee recommend nonconcurrence in all the amendments, as well as the one to which the gentleman from Mississippi [Mr. WILLIAMS] has referred.

Mr. MADDOX. No; but I wish to know about the other one.

The SPEAKER. That will be read after this vote is taken on the motion to nonconcur. On the other amendment the gentleman from Mississippi asks for a separate vote.

Mr. MADDOX. It is the vote on nonconcurrence that I refer to.

Mr. HULL. The vote on nonconcurrence excludes that amendment.

Mr. SLAYDEN. Mr. Speaker, there seems to be some little confusion in the minds of some of the gentlemen as to the exact parliamentary status. I would ask the Speaker to state what that is.

The SPEAKER. The Clerk will report the amendment referred to by the gentleman from Mississippi [Mr. WILLIAMS].

The Clerk read as follows:

Page 13, strike out all of lines 24 and 25, and lines 1, 2, and 3 on page 14, and insert in lieu thereof the following:

"That retired officers of the Army above the grade of major shall, when hereafter assigned to active duty in connection with the organized militia in the several States and Territories upon the request of the governor thereof, receive their full retired pay, and also commutation of quarters unless Government quarters are available, and shall receive no further pay or allowances: *Provided further*, That a lieutenant-colonel so assigned shall receive the full pay and allowances of a major on the active list."

The SPEAKER. Now, referring to the question of the gentleman from Texas [Mr. SLAYDEN], the gentleman from Mississippi [Mr. WILLIAMS] demands a separate vote on the amendment just read, and the vote on nonconcurring in the other amendments will be taken in gross. The question is on nonconcurring in all of the Senate amendments except the one just read, and agreeing to a conference.

The question was taken, and the motion was agreed to.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I now move to concur in Senate amendment No. 11, and upon that question I desire to be heard for a few moments.

Mr. HULL. How much time does the gentleman want?

The SPEAKER. The gentleman from Mississippi moves to concur in Senate amendment No. 11. The gentleman from Iowa [Mr. HULL] is entitled to one hour.

Mr. HULL. How much time does the gentleman want?

Mr. WILLIAMS of Mississippi. Five or ten minutes.

Mr. HULL. I yield ten minutes to the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I do not think I will take the entire ten minutes, but I desire the House clearly to understand just what is proposed to be done by the Senate amendment, and what was proposed to be done by the so-called "Hull amendment" which passed the House and went to the Senate. There was no objection by me to the original Hull amendment as it passed the House except because of the suspected motive behind it. It was suspected at any rate—whether rightfully or wrongfully—that it was intended to strike at the appointment by a lately elected Democratic governor of a certain Democratic General of the Army as his adjutant-general. That suspicion was built upon the fact that there had been no attempt to amend this law until this appointment took place

in the State of Massachusetts. Now, without any question of defending or advocating or attacking the military or political record of the man thought to be struck at, to wit, General Miles, I for one do not believe, no matter how disliked his history and record may be, that that was the proper place and way to strike at him. The legislation in itself, if it were not retroactive as to him and others, is, in my opinion, good legislation. I entertained that opinion before; I entertain it yet. I do not believe it is well as a rule to make legislation retroactive. This Hull amendment passed by the House would not only strike at this particular general, but there are several others, notably in the State of Ohio, who have been appointed to places in connection with the National Guard. The States have been anxious to have these men of high military training, and, regardless of whether people like them or do not like them personally, they are men of high military training. The States have been anxious to have them detailed, so that they could infuse the proper esprit de corps into the National Guard and could bring it up to the proper efficiency. Now, the Senate amendment strikes the sting and any suspected motive—if there were really any—out of the original amendment, and removes all of the objection which I ever had to the legislation. That Senate amendment reads as follows:

That retired officers of the Army above the grade of major shall, when hereafter assigned to active duty in connection with the organized militia in the several States and Territories upon the request of the governor thereof, receive their full retired pay, and also commutation of quarters unless Government quarters are available, and shall receive no further pay or allowances: *Provided further*, That a lieutenant-colonel so assigned shall receive the full pay and allowances of a major on the active list.

Mr. PARKER. Mr. Speaker, will the gentleman allow a question?

The SPEAKER. Will the gentleman yield?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. PARKER. Mr. Speaker, this particular amendment of the Senate does not, as the House amendment does, cover all assignments, but only assignments to organized militia. What becomes of assignments to schools and details for recruiting and all those extra matters of that sort?

Mr. WILLIAMS of Mississippi. Mr. Speaker, I believe that the Senate amendment would be better if it went to the extent indicated by the gentleman from New Jersey [Mr. PARKER], and I have no objection to amending the Senate amendment so as to include that and send it back to the Senate as amended. But I want to say this, that it seems to me we all ought to be able to get together on the Senate amendment if we can not amend it.

It might go further and still be better, but as I have only the power to select between the Hull amendment and between the Senate amendment, only the power of advice as selection between the two, I should say I prefer the Senate amendment, and it seems to me that there would be nothing antagonistic to the action hitherto taken by the House in the advocacy of the Senate amendment because we accomplish the purpose of economy and we prevent the abuses complained of in the future. All we do is to prevent penalizing retroactively those who have been already designated and assigned to this detailed duty under the present law.

Mr. COWHERD. Mr. Speaker, with the gentleman's permission, would it not be possible to concur in the Senate amendment with an amendment which the gentleman says would improve the situation and meet the objection?

Mr. WILLIAMS of Mississippi. I will do that, Mr. Speaker, I ask leave to amend the motion, which I just made, by moving to concur in the Senate amendment with an amendment, and I will now indicate to the Clerk the amendment and I will withdraw, if I be permitted to do so, the previous motion. The amendment I desire to offer is to strike out the words "in connection with the organized militia in the several States and Territories upon the request of the governor thereof." The Senate amendment would then read, "That retired officers of the Army above the grade of major shall, when hereafter assigned to active duty, receive their full retired pay, and also commutation of quarters, unless Government quarters are available, and shall receive no further pay or allowances."

The SPEAKER. One moment. The gentleman from Mississippi moves to concur in Senate amendment No. 11 with an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out of amendment No. 11 the words "in connection with the organized militia in the several States and Territories upon the request of the governor thereof;" so that the amendment will read:

"That retired officers of the Army above the grade of major shall, when hereafter assigned to active duty, receive their full retired pay," etc.

Mr. WILLIAMS of Mississippi. Now, Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Mississippi reserves the balance of his time.

Mr. HULL. Mr. Speaker, I yield ten minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, it so rarely happens that any of these large appropriation bills, particularly those appertaining to the support of the Army or the Navy, come out of a committee room with the unanimous indorsement of the committee which has been considering the bill that I think it is not improper to lay before the House a few of the reasons why the committee reached the conclusion just reported to the House in this bill. I want, Mr. Speaker, to disavow any purpose on my part at any stage of these proceedings of aiming a blow at General Miles or any other officer, retired or active. My purpose, and my sole purpose, in the support of the original amendment offered by the gentleman from Iowa and the reasons for my position now, sir, are that if enacted into law it will effect a very material saving of the resources of the people.

I have had prepared in the office of the Military Secretary a few tables which, with the permission of the House, I shall insert in the Record, first making a brief allusion to them in the ten minutes allowed me by the chairman of the committee. I have here, Mr. Speaker, a memorandum of the number and grade of the retired officers now detailed on militia and recruiting duty under the provisions of the act of April 23, 1904, with full pay and allowances. I invite the attention of the House to these two words, "and allowances," because there are two classes of retired officers who are assigned to duty, one of which receives "allowance" and the other does not. Under the act of April 28, 1904, Congress authorized the Secretary of War to assign retired officers of the Army, with their consent, to active duty in six ways and for six specific purposes. First, recruiting; then for service in connection with the organized militia of the several States and Territories upon the request of the governor thereof; then as military attachés; then upon courts-martial; then upon courts of inquiry and boards; then to staff duties not involving service with the troops. All officers retired, who have, or may be, assigned to these duties, will not only receive the active pay of their respective grade, but in addition to that "allowances" or "commutation of quarters."

I quote from the act:

And the Secretary of War may assign retired officers of the Army, with their consent, to active duty in recruiting, for service in connection with the organized militia in the several States and Territories upon the request of the governor thereof, as military attachés, upon courts-martial, courts of inquiry and boards, and to staff duties not involving service with the troops; and such officers while so assigned shall receive the full pay and allowances of their respective grades.

Now, Mr. Speaker, I shall ask the House, in connection with that act, to consider what it means when retired officers of the higher grade have been assigned to these particular duties. At this time there is assigned upon the first service mentioned in the act from which I have quoted one lieutenant-general, whose retired pay is \$8,250. The full pay of his grade, which he is authorized by that act to receive when serving with the organized militia of any of the States or Territories, is \$11,000, and the statutes authorize him to draw from the public treasury \$100 a month for "commutation of quarters," making a total of \$12,200 that that gentleman will be drawing out of the public treasury while performing such duties. Mr. Speaker, it makes an additional charge above his retired pay of \$3,950 a year for that one officer alone. Attention was drawn a few days ago in this House, in an able speech delivered by the gentleman from Illinois [Mr. PRINCE] and a member of the Committee on Military Affairs, to the fact that we have about 240 brigadier-generals retired. Ten of those brigadier-generals have been assigned to duty with the organized militia of the States and Territories and are drawing an increased pay, in the aggregate for the ten, of \$20,950. It might be well, sir, for the Members of this House to know that the retired pay of each one of these brigadier-generals is \$4,125 on the retired list. His full pay is \$5,500, which he will get under this assignment, and \$720 a year for commutation of quarters.

Mr. WILLIAMS of Mississippi. I would like to ask the gentleman from Texas [Mr. SLAYDEN] a question. How many men are now assigned? Of course hereafter there will be none, but how many men are now assigned to these duties, and how much money are they drawing over and above what they would draw if the Hull amendment became a law?

Mr. SLAYDEN. Mr. Speaker, I will give the gentleman from Mississippi [Mr. WILLIAMS] the full number assigned. It is tabulated here, and I will get to it in just a moment.

Mr. WILLIAMS of Mississippi. I mean those who are assigned to active duty and drawing pay.

Mr. SLAYDEN. I have a list covering that question, which I will read.

Mr. WILLIAMS of Mississippi. I mean, drawing pay for duty in connection with the militia.

Mr. SLAYDEN. In connection with the militia—yes. I was given it, Mr. Speaker, at the particular moment of the gentleman's inquiry, but I had only mentioned two grades of officers.

Now, as to colonels. There are five colonels, three lieutenant-colonels, ten majors, four captains mounted, and one captain not mounted, in addition to the Lieutenant-General and ten brigadier-generals I have already mentioned, who are now doing duty with the militia under the provisions of the act of last year, making a total of thirty-four officers, and, I will say to the gentleman from Mississippi [Mr. WILLIAMS], making an aggregate additional cost of \$58,000 in consequence of the law which we hope to amend.

Mr. WILLIAMS of Mississippi. Is the gentleman from Texas [Mr. SLAYDEN] including in that the captains and majors and lieutenants?

Mr. SLAYDEN. Yes, sir.

Mr. WILLIAMS of Mississippi. Well, this motion does not affect them.

Mr. SLAYDEN. Mr. Speaker, I have them all here together. I have not separated them at all.

Mr. WILLIAMS of Mississippi. What I want to get at is how much additional charge there is upon the Treasury.

Mr. SLAYDEN. I can give the gentleman from Mississippi [Mr. WILLIAMS]—

Mr. WILLIAMS of Mississippi. Over and above what there would be if this Hull amendment became a law.

Mr. SLAYDEN. Mr. Speaker, it is impossible to answer that question with absolute accuracy, because assignments may be made from second lieutenants, first lieutenants, captains, and majors, and the House has no means of knowing, no officer of the Government has any means of knowing, what number of each of these grades would be assigned to such duty.

Mr. WILLIAMS of Mississippi. The gentleman from Texas [Mr. SLAYDEN] has misunderstood me again. I am not talking about what will be done in the future; I am talking about the men above the rank of major and lieutenant-colonel who are now assigned.

Mr. SLAYDEN. I have it right here. I can give it to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Because this law will do away with those assignments hereafter.

Mr. SLAYDEN. I will give it to the gentleman from Mississippi [Mr. WILLIAMS] in detail, and, if he will put the figures down, he can add them up in a moment. The additional pay received by the Lieutenant-General is \$3,950. The aggregate additional pay received by the ten brigadier-generals so assigned is \$20,950. The aggregate additional pay received by the five colonels so assigned is \$9,225.

The aggregate additional pay received by the three lieutenant-colonels amounts to \$4,728.

Mr. WILLIAMS of Mississippi. This cuts them out.

Mr. SLAYDEN. Leave that item out, then. Mr. Speaker, I ask the attention of the House to this fact—

Mr. HAY. Let me call the attention of the gentleman to the fact that to officers assigned to other duties, at colleges, for instance, it amounts to \$28,000.

Mr. SLAYDEN. I am coming to that. I want to impress upon the House the fact that a lieutenant-general receives \$1,200 for room rent, each brigadier-general \$720, each colonel \$720, each lieutenant-colonel \$576. My attention has just been invited by the gentleman from Virginia to the fact that there are officers assigned to other duties, and that they receive full pay while so serving. Under the act of November 3, 1893, authority was given to assign retired officers for service at schools and colleges under certain conditions, and while so serving they were to be entitled to the full pay of an officer upon the active list, but were not to receive "allowances."

Now, Mr. Speaker, the list made for me by the Military Secretary discloses the fact that for that sort of duty there are at this time engaged in the service one colonel, three lieutenant-colonels, thirteen majors, five captains mounted, five captains not mounted, one first lieutenant, and one second lieutenant, and that the aggregate additional amount of pay received by them while so serving is \$28,030 a year.

The SPEAKER. The time of the gentleman has expired.

Mr. SLAYDEN. I would like a little more time.

Mr. HULL. How much more time does the gentleman want?



Mr. SLAYDEN. Probably ten or fifteen minutes.

Mr. HULL. Can not you get through with less than that? We have only an hour. I will yield five minutes to the gentleman.

Mr. SLAYDEN. I can not do it in five minutes.

Mr. HULL. I will yield the gentleman ten minutes more.

Mr. SLAYDEN. I will endeavor not to abuse the courtesy of the gentleman, and will get through in a shorter time if possible.

There is now on file in the War Department a long list of applications for these particular assignments which carry increased emoluments, something like a waiting list of certain popular clubs. These gentlemen have filed their applications, have tried to advance reasons for their assignment and are waiting for the assignments, and waiting eagerly. Of these 119 applicants, 2 of them are major-generals, 27 brigadier-generals, 6 colonels, 17 lieutenant-colonels, 35 majors, 27 captains, 4 first lieutenants, and 1 second lieutenant. All of these gentlemen have already filed applications for assignment under these two acts, which authorize an increase of pay. Very likely the applications would never have been made but for the increased pay.

Now, as a matter of interest I asked the Military Secretary to give me the ages of these gentlemen upon this list of 119 applicants. Seven of them are 70 years of age, 1 over 76 years of age, 40 between 65 and 70 years, 37 between 60 and 65 and so on down. I will print the list in the Record without taking the time to read it.

Now, Mr. Speaker, the House will possibly remember that last year the very bill which provided for this assignment to duty with augmented pay also showed unusual generosity toward these officers that were retired or about to retire who had had civil-war service. Officers on the retired list are assigned to active duty now and drawing full pay, who under this same act of April 23, 1904, received an advance of one grade upon retirement provided they had seen service during the civil war. Now, mind you, these gentlemen were all advanced one grade at the moment of retirement as a reward for their service during the civil war and their long and honorable career in the Army afterwards. That was a very considerable augmentation of income which the generosity of Congress placed in their reach. Of such officers now doing duty under these assignments, still further increasing their incomes in a very material way, there are ten brigadier-generals, all of whom were advanced one grade at the time of their retirement; five colonels, three of whom were advanced one grade at the moment of retirement; three lieutenant-colonels, three of whom were advanced one grade at the time of their retirement; ten majors, one of whom was promoted at the time of retirement, and five captains, none of whom were promoted when retired. Now, I have mentioned this long list of applicants who are waiting for these assignments. The whole number of applications pending embraces two major-generals, and everybody in this House knows that a man who has reached the rank of major-general is not going to give much of his time to recruiting and is not going to give much of his time to the training of the militia in matters of drill. That service could be done and no doubt would be done better by subordinate officers. Nevertheless, two major-generals have applied for such assignment; twenty-seven brigadier-generals, six colonels, seventeen lieutenant-colonels, thirty-five majors, twenty-seven captains, four first lieutenants, and one second lieutenant are seeking these same favors of the Government.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

Mr. SLAYDEN. Certainly.

Mr. FITZGERALD. Your committee reported the provision of law under which these assignments are made, did it not?

Mr. SLAYDEN. Yes.

Mr. FITZGERALD. And that committee investigated very carefully before they reported it, did they not?

Mr. SLAYDEN. Does the gentleman wish me to answer that now?

Mr. FITZGERALD. Yet within one year that committee comes back here and wishes to undo the legislation which they recommended.

Mr. SLAYDEN. In response to the gentleman's question, I will say that the Committee on Military Affairs is one very fallible committee, but when it sees that a mistake has been made in legislation which came out of the committee room favorably recommended it has the courage to try to correct it.

Mr. FITZGERALD. Does not the gentleman think that if there has been any difficulty with the operation of this law it has been with its administration and not with the law itself?

Mr. SLAYDEN. I will say frankly to the gentleman that I think the law itself is wrong.

Mr. SLAYDEN. I print as part of my remarks the following:

WAR DEPARTMENT,  
THE MILITARY SECRETARY'S OFFICE,  
Washington, January 23, 1905.

HON. JAMES L. SLAYDEN,  
House of Representatives.

DEAR SIR: In compliance with your personal request of this morning, I transmit herewith a memorandum showing the number and grade of retired officers of the Army detailed, with full pay and allowances, on militia and recruiting duty under the provisions of the act of April 23, 1904, also a memorandum showing the number and grade of retired officers detailed, with full pay, on college duty under the provisions of the act of November 3, 1893.

In accordance with your request, these lists show the pay to which the officers concerned are entitled on the retired list, and, approximately, the pay and allowances to which they are entitled under their present assignments, also the increase in compensation which they receive under those assignments. It is possible that an investigation of each individual case might show that the allowances are a little greater or a little less than those calculated in the accompanying statement, but the difference would be small in any case and would not affect the statement substantially.

It is to be observed that retired officers detailed on militia and recruiting duty under the act of April 23, 1904, are entitled to full pay and allowances, whereas retired officers detailed under the act of November 3, 1893, are entitled to full pay but not to allowances. A copy of each of those acts is herewith inclosed for your information.

Very respectfully,

F. C. AINSWORTH, Military Secretary.

Memorandum of the number and grade of retired officers detailed on militia and recruiting duty under the provisions of the act of April 23, 1904, with full pay and allowances.

Number and grade.	Retired pay of grade.	Full pay of grade.	Commutation of quarters of grade.	Increase for each officer detailed.	Increase for all officers detailed.
1 lieutenant-general.....	\$8,250	\$11,000	\$1,200	\$3,950	\$3,950
10 brigadier-generals.....	4,125	5,500	720	2,095	20,950
5 colonels.....	3,375	4,500	720	1,845	9,225
3 lieutenant-colonels.....	3,000	4,000	576	1,576	4,728
10 majors.....	2,625	3,500	576	1,451	14,510
4 captains, mounted.....	2,100	2,800	432	1,132	4,528
1 captain, not mounted.....	1,890	2,520	432	1,062	1,062

Total increase, \$58,953.

NOTE.—Commutation of quarters for a lieutenant-general is fixed by law at \$100 per month. The monthly commutation for a brigadier-general or a colonel is \$80; for a lieutenant-colonel or major, \$48; for a captain, \$36, and for a lieutenant, \$24.

The MILITARY SECRETARY'S OFFICE, January 23, 1905.

Memorandum of the number and grade of officers on the retired list detailed on college duty under the provisions of the act of November 3, 1893, with active pay, but no allowances.

Number and grade.	Retired pay of grade.	Full pay of grade.	Increase for each officer detailed.	Increase for all officers detailed.
1 colonel.....	\$3,375	\$4,500	\$1,125	\$1,125
3 lieutenant-colonels.....	3,000	4,000	1,000	3,000
13 majors.....	2,625	3,500	875	11,375
5 captains, mounted.....	2,100	2,800	700	3,500
10 captains, not mounted.....	1,890	2,520	630	6,300
1 first lieutenant, mounted.....	1,440	1,920	480	480
5 first lieutenants, not mounted.....	1,350	1,800	450	2,250

Total increase, \$28,030.

The MILITARY SECRETARY'S OFFICE, January 23, 1905.

One hundred and nineteen retired officers of the Army now have applications on file for assignment to active duty under the provisions of the act of April 23, 1904. The grades of these officers are as follows: Two major-generals; 27 brigadier-generals; 6 colonels; 17 lieutenant-colonels; 35 majors; 27 captains; 4 first lieutenants; 1 second lieutenant. The ages of these officers are as follows: Seven over 70 years of age (1 over 76); 40 between 65 and 70 years of age; 37 between 60 and 65 years of age; 15 between 55 and 60 years of age; 3 between 50 and 55 years of age; 7 between 45 and 50 years of age; 3 between 40 and 45 years of age; 2 between 35 and 40 years of age; 4 between 30 and 35 years of age; 1 between 25 and 30 years of age.

The assignment of these 119 officers to duty in accordance with their pending applications would involve an increase in expenditure of about \$183,000 annually on account of the additional pay and the allowances to which they would be entitled under the act of April 23, 1904.

*Officers on the retired list assigned to active duty under the act of April 23, 1904, who received an advance of one grade under the same law because of service during the civil war, or who were promoted immediately before retirement.*

Grade.	Whole number assigned to duty.	Number advanced one grade.
Lieutenant-general.....	1	10
Brigadier-generals.....	10	5
Colonels.....	5	3
Lieutenant-colonels.....	3	1
Majors.....	10	5
Captains.....	5	
Total.....	34	17

The MILITARY SECRETARY'S OFFICE, January 23, 1905.

*Officers on the retired list with applications pending for assignment to active duty under the act of April 23, 1904, who received an advance of one grade under the same law because of service during the civil war or who were promoted immediately before retirement.*

Grade.	Whole number with applications pending.	Number advanced one grade.
Major-generals.....	2	1
Brigadier-generals.....	27	26
Colonels.....	6	5
Lieutenant-colonels.....	17	15
Majors.....	35	20
Captains.....	27	3
First lieutenants.....	4	1
Second lieutenants.....	1	
Total.....	119	71

The MILITARY SECRETARY'S OFFICE, January 23, 1905.

Mr. COWHERD. May I ask a question either of the gentleman from Iowa or the gentleman from Texas?

Mr. SLAYDEN. I have concluded my remarks. The gentleman may ask the gentleman from Iowa.

Mr. COWHERD. I want to know how long these assignments are made for. Are they for a definite time?

Mr. HULL. No.

Mr. COWHERD. The question I am trying to reach is the extent of the meaning of the word "hereafter." If these assignments are for a definite time, then of course "hereafter" would very shortly cut out all assignments.

Mr. HULL. They are not for a definite time. They are just assigned. Their term of office would be about as long as that of fourth-class postmasters, probably.

Mr. COWHERD. Any change in Administration might change the assignment.

Mr. HULL. I yield to the gentleman from Massachusetts [Mr. LAWRENCE].

Mr. LAWRENCE. Mr. Speaker, I regret that the Senate did not strike out entirely the provision now being discussed. The authority given to the Secretary of War to assign retired officers to active duty with the organized militia of the different States was, it seems to me, decidedly in the public interest. Although these officers were to be assigned to service in the States, the whole country would receive a distinct benefit from their work. The United States has comparatively a small army. In time of severe trial we must depend upon our militia. The proper training of the militia therefore is of the greatest importance. And surely the knowledge and long experience of the retired officers of high rank, at whom this provision is aimed, will be of the greatest value in training the members of the militia for the discharge of the duties of soldiers. If they are willing to accept active duty after reaching the age of retirement, it is only fair that they should have the pay of their rank.

We make appropriations in the army appropriation bill of about \$70,000,000. I doubt if the expenditure of any of that money will produce better results than the amount which would be paid to these officers. The purpose of the legislation now proposed must be to discourage retired officers above a certain grade from consenting to an assignment to active duty. Such officers are especially fitted for such duty, and should be encouraged to undertake it. No better service can be given to the Government than the training of our militia by officers who have been qualified by long experience, much of it gained in the field.

It has been felt that this provision was especially aimed at Lieutenant-General Miles, one of the bravest and most distinguished of our officers, who has just been assigned to active duty

with the militia of my State. There are more than 6,000 men in the organized militia of Massachusetts. It is certainly fitting that an officer of high rank should be assigned for the training and instruction of so large a body of men. No one can dispute the eminent fitness of General Miles for this work. If there is anywhere a purpose to humiliate him it should be resented not only in Massachusetts but throughout the country.

As I have said, I regret that the Senate did not strike out the whole provision. It has, however, amended it so that it will not be retroactive. It will apply to officers detailed in the future, but not to those already assigned to duty.

To change the law after officers have accepted assignment, so as to reduce their pay, is a petty action for the American Congress to take.

It is said the law must be changed because so many officers are applying for such duty. It is to their credit if, after long years of service, they wish to be of further use to their country. It is well understood many officers, retired for age are entirely capable of active duty. The question of assignment rests with the Secretary of War. If they are competent and are assigned to active duty they should receive proper compensation. I do not believe they seek these positions simply for the pay, but rather because they feel they can still render valuable service.

I hope the House will agree to the Senate amendment, for it is legislation in the interest of fairness and justice.

Mr. HULL. Mr. Speaker, I now yield five minutes to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Speaker, I would not say anything on this question were it not for the fact that I am a member of the Committee on Military Affairs which reported this bill, and therefore I deem it proper that I should give the reasons which actuated me in doing it.

Mr. WILLIAMS of Mississippi. Did the Committee on Military Affairs report this amendment?

Mr. HAY. Not in the first place, but the committee recommends nonconcurrence in the Senate amendment this morning. The reason why no legislation has heretofore been had on this question is that this is the first time it could be had. The legislation in which the details were authorized was approved on the 23d day of last April, which was nearly the last day of the session of this Congress. This is the first time we have had an opportunity to legislate upon the question now before us. While I know this legislation was not directed at General Miles, yet if it strikes General Miles or General Anybody Else, I have no tears to shed about it. We are legislating here for the people and not for any individual, and if General Miles is hurt by this legislation, then he is in the way of something which is for the benefit of the people, and he must stand and take it.

Now, Mr. Speaker, the gentleman from Mississippi [Mr. WILLIAMS] says that this legislation is retroactive. I never heard of such a proposition. Retroactive! Retroactive legislation, as I understand it, is legislation which goes back and attacks somebody's vested right, or impairs the obligation of a contract. Will anybody say that General Miles, or General Anybody Else, or any officer affected by this legislation, has a vested right? If that contention is true, then Congress has no right to repeal any law which has created an office, and Congress has no right to legislate an office out of existence which it has put in existence. It is not retroactive legislation.

Congress conferred the privilege upon these men of being put upon the active list, and Congress has the right to take that away, and it is not retroactive in any sense of the word.

Now, the whole question is whether we shall vote to nonconcur in this amendment and thereby give us an opportunity of saving \$41,470 a year to the people of this country. That is the plain question and that is the amount. And it may possibly save us \$183,000 a year.

Mr. WILLIAMS of Mississippi. Will the gentleman figure that out?

Mr. HAY. Figure what out?

Mr. WILLIAMS of Mississippi. How it will save \$183,000 a year. The gentleman will remember if my motion prevails it prevents this assignment hereafter. Does the gentleman assert that we are spending \$183,000 now for officers above the rank of major?

Mr. HAY. I do not. I state that we are spending \$41,470 now, and if the amendment of the Senate to which I am addressing myself prevails we are liable to spend \$183,000 a year. Of course, the amendment to the amendment offered by the gentleman from Mississippi will have the effect of cutting off a large portion of that amount, but no one can tell how high the officer may be that may be assigned to this duty in the event that the Senate succeed in carrying its purpose through in keeping their amendment in the bill the way they have it.



Mr. Speaker, it is for the interest of the people of this country that this amendment should be adopted. It is Democratic, because if the Democratic party stands for anything it stands for the curtailment of military expenses, and this is a curtailment of military expenses. [Applause.] When this opportunity is afforded us to cut down the military expenses of this Government to this amount, we ought to take advantage of it, and I do not believe that any Democrat on this floor can sustain his position if he votes for a proposition which will enable these people to draw this money from the Treasury when they have no vested or any other sort of right to it.

Mr. HULL. Mr. Speaker, this measure has been fully discussed heretofore, and I think it is very generally understood by every Member of the House. The gentleman from Virginia [Mr. HAY] very properly called attention to the fact that Congress could not have corrected the error of last year any sooner than now, because this is the first session that Congress has had since the legislation on the appropriation bill of last year, where the details were authorized. Mr. Speaker, I want to call the attention of the House to the fact that when that measure was put upon the bill last year the hearings before the committee when the Secretary of War was present were to the effect that no high officers would apply for such positions; that there might be one case, and one only, of the higher officers that would undertake this duty, and that was for the duty of military attachés abroad. The Secretary said he would not like a restriction made, because it might be that some of these generals on the retired list would be especially valuable as military attachés, and the only reason a restriction was not placed then was because of that request. The idea that this legislation is retroactive has also been noticed by the gentleman from Virginia [Mr. HAY]. If this is retroactive legislation, Mr. Speaker, the Congress of the United States has no power to ever change any man's status in the Government after he has once gotten in place. These men are appointed, or rather detailed, on the request of the governors, or on the request of other persons, or for recruiting services, without any fixed time. If this bill shall pass as it passed the House the men who are serving will serve during the life of the appropriation bills carrying the money for their pay, and they can serve as long afterwards as they want to and the governor's desire on their retired pay.

Mr. AMES. They are assigned to duty for only one year.

Mr. HULL. They are assigned without regard to time, and each administration takes them back and forth.

Mr. MADDOX. Mr. Speaker, the Senate amendment, as I understand, provides that there shall be no other appointment except these eleven generals.

Mr. HULL. Yes. I will come to that in a minute.

Mr. MADDOX. I would like to have the gentleman discuss that feature of it. If it is a good thing for eleven, why not for all of them?

Mr. HULL. I will come to that in a minute. Now, Mr. Speaker, the gentleman from Massachusetts [Mr. LAWRENCE] says these men are all of high rank, and it is a great benefit to the Government to have them. Let me ask the gentleman this. We have been having retired officers assigned to duty for a great many years, and they have served on their retired pay. If these men are serving from patriotic motives, why is it that in all the years they had opportunity to serve before the law of last year there was not a single officer of high rank applying for work? The patriotism of these gentlemen is their pocket-book when it comes to this service. They have applied for this because they got increased pay and for no other reason, and, in my judgment, if the House provision shall be adopted, in six months after the 30th of next June there will not be one of them serving. They can, if they want to, and they can get as much pay from the State as the State will give them.

Now, on the proposition of the gentleman from Georgia [Mr. MADDOX], the men that are in now, according to the figures given by the gentleman from Texas [Mr. SLAYDEN], draw \$34,025 extra pay each year. That may be a small sum, but it is \$34,000 a year extra pay for men that are performing no duty for the Federal Government. The Senate says they must keep it forever. In other words, if the Senate amendment means anything to me, it means this.

The House legislation is good legislation. It ought to apply for the future, but every fellow that has his feet in the trough now can keep them in and we won't disturb him. If I needed any argument in favor of the House provision I would be satisfied to stand on the action of the Senate, because if it is good legislation for those that are in, it is good legislation for those that are out. Now, Mr. Speaker, if these gentlemen had been necessary for the proper discharge of the duties, men of high rank, why would they not have been applying for this, taking

the extra pay the State gives them, and performing these duties during the years of the past? We have had a little information on that from the War Department. I am sorry to have to read it to the House. I would rather not do it. I have a profound regard for these old gentlemen who are applying for this work. There are 119 of them on the available list now, and some of them are 76 years of age. There are twenty-seven of them brigadiers, asking specifically for this detail, and two major-generals asking for it, and those major-generals received the grade of major-general for the purpose of retiring, and nine-tenths of the brigadiers received the grade of brigadier for the purpose of retiring. Only recently we had this question of the value of the services of these high officers inquired into by the committee. It referred to a different question, but is equally applicable to this. The Secretary of War was present, and when we asked in regard to their value on the active list, he said:

There is no doubt that many of them are doing more for the Government in a state of retirement than they would be doing in active service, so I do not think the Government is losing anything by the procedure of retiring them. Of course, I respect the men who have fine records in the civil war, but the truth is, gentlemen, that in the course of nature they are not fit for active service.

That is the opinion of the Secretary of War, and I fully agree with him. I want to say to you gentlemen that in my judgment there would never have been a word said upon the floor of this House in opposition to our proposed legislation if it had not been for General Miles. I regret to make that statement, but the debate has been on such lines that I can come to no other conclusion. I want to say to you that if General Miles had died six months ago this legislation would have been proposed to Congress just the same. It is not an effort to hit General Miles, although I regard it as unfortunate that a man of his distinguished career as a general through the civil war and in the Indian wars and high rank at date of retirement can always manage to get himself in the forefront of public opinion so that no matter what Congress may propose to do the statement comes from some source you are "hitting General Miles," and I regret further that the splendid old Commonwealth of Massachusetts should have its politics revolve around any one man. Why, I can remember, Mr. Speaker, in the history of Massachusetts when its record was such that the whole nation delighted to honor it. In the formative period of the Government it gave its quota of great men who helped to lay the foundations of this Government so broad and strong that its growth has been marvelous, its strength has been beyond the dream of its founders, and its wealth beyond the computation of men. Massachusetts in all our past has had its proud part, and I am not willing to place so low an estimate upon that old Commonwealth as to believe that the politics of the future shall revolve around what we may do in legislating for this country where only one man is affected. So far as I am concerned, I have never been clearer as to my duty than I am upon this proposition of urging upon Congress the adoption of the House provision. I am willing to give to these men of low rank, the captains, the lieutenants, and the majors, a little increase of pay. If you will cut off the generals it amounts to but little. I am willing to do it, because when a man goes to the capital of my State as a captain or to the capital of your State as a captain and gets three-fourths pay, he can not live as he should and I am willing to give him a little increase; but when a man gets from \$4,000 to \$8,000 a year for doing nothing for the Government, if he is patriotic enough to help, let the States pay him what they please, but let him get nothing more from the Treasury of the United States.

We have a great government, with great expenses. We are trying to retrench, and we can retrench in a small way here without doing any harm. We can save from \$34,000 to \$100,000 a year without doing harm to any individual or any section of the country, and I hope, Mr. Speaker, when we come to vote the House will give as decisive a vote upon it as it did when the question was up before; that it will vote down the proposition to concur, and that it will send this bill to conference and let us perfect it there in such a way as to provide against the abuses which have grown up in eight months and protect the Government without injuring the people in any particular. Now, Mr. Speaker, if there is nothing further to be said I move the previous question.

The SPEAKER. The gentleman from Iowa moves the previous question.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I reserve the balance of my time.

Mr. HULL. Mr. Speaker, I yield.

The SPEAKER. The Chair will state to the gentleman from Mississippi that the gentleman spoke in the time of the gentleman from Iowa.

Mr. WILLIAMS of Mississippi. The gentleman from Iowa yielded to the gentleman from Mississippi ten minutes, and the gentleman from Mississippi reserved the balance of his time without objection on the part of the gentleman from Iowa.

The SPEAKER. One moment. The gentleman from Iowa in charge of the bill was entitled to recognition and entitled to an hour. At any time during that hour he could move the previous question, and the gentleman from Mississippi spoke in the time of the gentleman from Iowa, and the Chair did not understand that the gentleman from Mississippi was recognized in his own right. If the gentleman from Mississippi was recognized in his own right, of course he would be entitled to an hour.

Mr. HULL. Mr. Speaker, I yielded ten minutes to the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. Now, Mr. Speaker, the gentleman from Mississippi was not recognized in his own right. I do not want to appear in an uncandid position before the House. The gentleman from Mississippi was recognized for ten minutes, his time being yielded by the gentleman from Iowa [Mr. HULL], and, after speaking a while, reserved the balance of his time without any objection on the part of the gentleman from Iowa, so that the gentleman from Mississippi thought he was entitled to the balance of the ten minutes.

Mr. HULL. The gentleman has already used part of his ten minutes, and if the gentleman from Mississippi has not used all of his ten minutes I am perfectly willing—

Mr. WILLIAMS of Mississippi. No; I said that I reserved the balance of my time.

Mr. HULL. If the gentleman from Mississippi has not used all of his ten minutes I am willing to withhold the demand for the previous question until he can have that privilege.

Mr. WILLIAMS of Mississippi. Mr. Speaker, how much time have I left of the original ten minutes?

The SPEAKER. The gentleman from Mississippi [Mr. WILLIAMS] has two minutes left of reserved time. The gentleman occupied the floor for eight minutes and reserved the remainder of his time.

Mr. WILLIAMS of Mississippi. The gentleman from Iowa [Mr. HULL] yields me time, so that I shall have a total of five minutes.

Now, Mr. Speaker, within that five minutes I ask the attention of the entire House, and especially of this side of the House. I am not at all afraid of the attack upon my Democracy made by the appeal of the gentleman from Virginia [Mr. HAY] to the Democrats of this House. I am not at all afraid of any covert attack which may have been made elsewhere upon my loyalty and fealty as a Southerner of the Southerners.

Now, I dislike so much to fight and be fought under cover that we might just as well come out. I know the unmentioned feeling which was behind many votes in favor of the Hull amendment. I frankly share the feeling which southern men generally entertain regarding General Miles's conduct when he put shackles upon the ankles of Jefferson Davis, and I do not believe that it will sound in history to his credit, or that it will sound in history to the discredit of Mr. Davis that he was compelled to submit to it, old and helpless and sick and a prisoner, as he was, at the time. Now, if this legislation had been pointed at anybody else than General Miles—any other Democrat appointed by a Democratic governor under those circumstances—and believed by me, rightfully or wrongfully, to have that partisan Republican motive behind it, I would have taken exactly the same course that I have taken, except that I would have taken it more anxiously and much more warmly.

I stand in relationship to Jefferson Davis in a way that some of my critics do not. First, he was a Mississippian. I am one. Secondly, my grandfather was the senior captain of his regiment in the Mexican war, and his favorite captain. And, in the third place, he was my friend personally, as far as an old man can be the friend of a child or a boy. I say to men who are actuated by that sort of motive, if you want to punish Miles, or anybody else, for what was done in those days—it is long ago now—if history is not enough condemnation, all right, but this is not the time and this is not the place and this is not the way to "get even." It is not southern magnanimity. We do not punish in little ways like that.

I am through with the time, Mr. Speaker. [Loud applause on the Democratic side.]

Mr. HULL. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Mississippi [Mr. WILLIAMS] that the House do concur in amendment No. 11 with an amendment which the gentleman from Mississippi [Mr. WILLIAMS] has offered.

The question being taken, the Speaker announced that the yeas appeared to have it.

Mr. WILLIAMS of Mississippi demanded a division.

Mr. HULL. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 79, nays 171, answered "present" 14, not voting 120, as follows:

## YEAS—79.

Alken	Garber	Littlefield	Robinson, Ind.
Ames	Gardner, Mass.	Lovering	Ryan
Bassett	Glass	Lucking	Scudder
Bell, Cal.	Goulden	McDermott	Sheppard
Bowers	Granger	McLain	Sherley
Brantley	Greene	McNary	Smith, Ky.
Breazeale	Henry, Tex.	Macon	Southall
Burgess	Hill, Miss.	Miers, Ind.	Sparkman
Burleson	Hopkins	Moon, Tenn.	Spight
Burnett	Houston	Mudd	Sullivan, Mass.
Caldwell	Howard	Page	Talbott
Cowherd	Hughes, N. J.	Palmer	Thomas, N. C.
Croft	Hunt	Patterson, N. C.	Van Duzer
Crowley	Jones, Va.	Pierce	Wade
Davey, La.	Keliher	Pou	Wallace
Davis, Fla.	Kline	Powers, Mass.	Williams, Ill.
Dickerman	Kluttz	Reid	Williams, Miss.
Dinsmore	Lamb	Rider	Wynn
Finley	Lawrence	Roberts	Zenor
Fitzgerald	Lindsay	Robinson, Ark.	

## NAYS—171.

Adams, Pa.	Dixon	Jackson, Ohio	Rainey
Adams, Wis.	Dougherty	James	Ransdell, La.
Allen	Douglas	Jones, Wash.	Reeder
Babcock	Dovener	Ketcham	Rhea
Badger	Draper	Kinkaid	Richardson, Ala.
Bartholdt	Dunwell	Kyle	Robb
Bartlett	Esch	Lacey	Rodenberg
Beall, Tex.	Evans	Lafan	Rucker
Bede	Field	Lamar, Mo.	Russell
Birdsall	Flood	Landis, Frederick	Scott
Bishop	Fordney	Lester	Shackelford
Bonyng	Foss	Littauer	Shober
Boutell	Foster, Vt.	Lloyd	Slayden
Bowersock	French	Longworth	Slomp
Brick	Gardner, Mich.	Loudenslager	Smith, Ill.
Broussard	Gardner, N. J.	McCarthy	Smith, Iowa
Brown, Wis.	Garner	McCreary, Pa.	Smith, Pa.
Brownlow	Gibson	McLachlan	Smith, Tex.
Buckman	Gillespie	McMorran	Snapp
Burke	Gillet, N. Y.	Maddox	Snook
Burkett	Graft	Mahon	Southard
Burton	Gregg	Mann	Southwick
Calderhead	Hamilton	Marshall	Spalding
Campbell	Hamlin	Martin	Stafford
Candler	Hardwick	Maynard	Steenerson
Capron	Haugen	Miller	Stevens, Minn.
Cassel	Hay	Mondell	Sullivan
Cochran, Mo.	Hedge	Moon, Pa.	Swanson
Conner	Heflin	Morgan	Tawney
Cooper, Wis.	Henry, Conn.	Murdoch	Thomas, Iowa
Cousins	Hepburn	Needham	Thomas, Ohio
Cromer	Hermann	Norris	Trimble
Crumpacker	Hinshaw	Otjen	Volstead
Currier	Hitt	Overstreet	Vreeland
Curtis	Hogg	Padgett	Wachter
Cushman	Holliday	Parker	Watson
Dalzell	Howell, N. J.	Patterson, Pa.	Webber
Daniels	Howell, Utah	Patterson, Tenn.	Weems
Darragh	Hughes, W. Va.	Payne	Wilson, Ill.
Davis, Minn.	Hull	Pinckney	Wood
De Armond	Humphrey, Wash.	Porter	Woodward
Deemer	Humphreys, Miss.	Prince	Young
Denny	Hunter	Pujo	

## ANSWERED "PRESENT"—14.

Adamson	Jenkins	Sherman	Webb
Cassingham	Johnson	Sims	Weisse
Clark	Little	Tate	
Clayton	Meyer, La.	Taylor	

## NOT VOTING—120.

Acheson	Fitzpatrick	Knapp	Ruppert
Alexander	Flack	Knopf	Scarborough
Baker	Foster, Ill.	Knowland	Shiras
Bankhead	Fowler	Lamar, Fla.	Shuli
Bates	Fuller	Landis, Chas. B.	Sibley
Beidler	Gaines, Tenn.	Legare	Small
Benny	Gaines, W. Va.	Lever	Smith, Samuel W.
Benton	Gilbert	Lewis	Smith, Wm. Alden
Bingham	Gillett, Cal.	Lilley	Smith, N. Y.
Bowle	Gillett, Mass.	Lind	Sperry
Bradley	Goebel	Livernash	Stanley
Brandegree	Goldfogle	Livingston	Stephens, Tex.
Brooks	Gooch	Lorimer	Sterling
Brown, Pa.	Griffith	Loud	Sullivan, N. Y.
Brundidge	Griggs	McAndrews	Sulzer
Burleigh	Grosvenor	McCall	Thayer
Butler, Mo.	Gudger	McCleary, Minn.	Tirrell
Butler, Pa.	Harrison	Marsh	Townsend
Byrd	Haskins	Minor	Underwood
Castor	Hearst	Morrell	Vandiver
Cockran, N. Y.	Hemenway	Nevin	Van Voorhis
Connell	Hildebrandt	Olmsted	Wadsworth
Cooper, Pa.	Hill, Conn.	Otis	Wanger
Cooper, Tex.	Hitchcock	Pearre	Warner
Davidson	Huff	Perkins	Warnock
Dayton	Jackson, Md.	Powers, Me.	Wiley, Ala.
Dresser	Kebroe	Randell, Tex.	Wiley, N. J.
Driscoll	Kennedy	Richardson, Tenn.	Williamson
Dwight	Kitchin, Claude	Rixey	Wilson, N. Y.
Emerich	Kitchin, Wm. W.	Robertson, La.	Wright

So the motion to concur with an amendment was rejected.



The following pairs were announced:  
For the session:

Mr. CHARLES B. LANDIS with Mr. TATE.  
Mr. SHERMAN with Mr. RUPPERT.  
Mr. DAYTON with Mr. MEYER of Louisiana.  
Mr. HILDEBRANT with Mr. LIVINGSTON.  
On this vote:  
Mr. SIBLEY with Mr. THAYER.  
Mr. McCALL with Mr. SIMS.  
Mr. HILL of Connecticut with Mr. LITTLE.  
Mr. TIBRELL with Mr. PERKINS.  
Mr. BROWN of Pennsylvania with Mr. BANKHEAD.  
Mr. WILLIAMSON with Mr. BENTON.  
Until further notice:  
Mr. HASKINS with Mr. BOWIE.  
Mr. CONNELL with Mr. BUTLER of Missouri.  
Mr. CASTOR with Mr. EMERICH.  
Mr. DAVIDSON with Mr. WEISSE.  
Mr. SMITH of New York with Mr. TAYLOR.  
Mr. DWIGHT with Mr. ROBERTSON of Louisiana.  
Mr. SAMUEL W. SMITH with Mr. LAMAR of Florida.  
Mr. DRESSER with Mr. VANDIVER.  
Mr. STERLING with Mr. BYRD.  
Mr. MARSH with Mr. BRUNDIDGE.  
Mr. MORRELL with Mr. SULLIVAN of New York.  
Mr. GILLET of Massachusetts with Mr. WILLIAM W. KITCHIN.  
Mr. WARNER with Mr. CLAYTON.  
Mr. VAN VOORHIS with Mr. CASSINGHAM.  
Mr. NEVIN with Mr. LIVERNASH.  
Mr. LORIMER with Mr. McANDREWS (except Hill bill).  
Mr. POWERS of Maine with Mr. GAINES of Tennessee.  
Mr. WM. ALDEN SMITH with Mr. GRIFFITH.  
Mr. WRIGHT with Mr. SHULL.  
For this day:  
Mr. MINOR with Mr. RIXEY.  
Mr. McCLEARY of Minnesota with Mr. LIND.  
Mr. LILLEY with Mr. LEWIS.  
Mr. KNAPP with Mr. HEARST.  
Mr. HUFF with Mr. KEHOE.  
Mr. FULLER with Mr. HITCHCOCK.  
Mr. LOUD with Mr. LEGARE.  
Mr. HEMENWAY with Mr. UNDERWOOD.  
Mr. GILLET of California with Mr. GUDGER.  
Mr. ACHESON with Mr. WEBB.  
Mr. JACKSON of Maryland with Mr. STANLEY.  
Mr. BROOKS with Mr. GOLDFOGLE.  
Mr. BRANDEGEE with Mr. FOSTER of Illinois.  
Mr. BEIDLER with Mr. BAKER.  
Mr. WILEY of New Jersey with Mr. FITZPATRICK.  
Mr. BURLEIGH with Mr. GRIGGS.  
Mr. FOWLER with Mr. COOPER of Texas.  
Mr. ALEXANDER with Mr. COCKRAN of New York.  
Mr. WADSWORTH with Mr. RICHARDSON of Tennessee.  
Mr. BINGHAM with Mr. SULZER.  
Mr. BRADLEY with Mr. BENNY.  
Mr. GOEBEL with Mr. GILBERT.  
Mr. BUTLER of Pennsylvania with Mr. HARRISON.  
Mr. KENNEDY with Mr. CLAUDE KITCHIN.  
Mr. JENKINS with Mr. STEPHENS of Texas.  
Mr. OLMSTED with Mr. SMALL.  
Mr. PEARRE with Mr. SCARBOROUGH.  
Mr. WANGER with Mr. ADAMSON.  
Mr. SPERRY with Mr. WILSON of New York.  
Mr. TOWNSEND with Mr. WILEY of Alabama.  
Mr. WARNOCK with Mr. RANDELL of Texas.  
Mr. GROSVENOR with Mr. CLARK (from Monday, January 30, until Thursday, February 2, inclusive).

The result of the vote was then announced as above recorded.  
Mr. HULL. Mr. Speaker, I move that the House do nonconcur in amendment No. 11.

The question was taken, and the motion was agreed to.

The SPEAKER. The Chair announces the following conferees on the part of the House: Mr. HULL, Mr. CAPRON, and Mr. HAY.

#### FORTIFICATIONS APPROPRIATION BILL.

Mr. LITTAUER presented a conference report and statement on the fortifications appropriation bill.

The SPEAKER. The report and statement will be printed under the rule.

#### AMERICAN SAILING VESSELS IN THE COASTING TRADE.

Mr. LITTLEFIELD. Mr. Speaker, by direction of the Committee on the Merchant Marine and Fisheries, I present a report on the bill (H. R. 7298) to remove discrimination against

American sailing vessels in the coasting trade, and ask unanimous consent that the minority have until to-morrow morning in which to file their views.

The SPEAKER. If there be no objection, it will be so ordered.

There was no objection.

#### RESTRAINING ORDERS.

Mr. LITTLEFIELD. Mr. Speaker, the print of the bill (H. R. 18327) to regulate the granting of restraining orders in certain cases has been exhausted. There are a great many applications for copies, and therefore I ask unanimous consent for a reprint of the bill.

The SPEAKER. Is there objection?

There was no objection.

#### PHILIPPINE BONDS.

Mr. COOPER of Wisconsin. Mr. Speaker, I call up the conference report on the bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes, and I ask that the accompanying statement may be read.

The SPEAKER. The gentleman from Wisconsin calls up a conference report, and asks that the statement be read in lieu of the report. Is there objection?

There was no objection.

#### CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendments of the Senate numbered 2 and 3 and agree to the same with amendments.

Amendment numbered 2: Section 3, page 4, line 4, after the word "legislation," insert the words "to be approved by the President of the United States."

Page 4, line 14, change colon to a period and strike out the words "Provided further, That no such municipality shall exercise the power to issue such bonds without the prior approval of the President."

Amendment numbered 3: Section 4, page 6, line 15, strike out the words "chief executive" and insert in lieu thereof the words "governor-general."

Page 7, after line 10, insert the following: "Fourth, that after the construction and equipment of said railroad in accordance with the foregoing provisions and all others of the contract of guaranty, the railroad shall apply its gross earnings as follows: First, to the necessary operating expenses, including reasonable expenses of the corporation; second, to the necessary and ordinary repairs of said railroad and its equipment; third, to such betterments and extraordinary repairs of said railroad or equipment as may be first by the governor-general of the island, in writing, expressly consented to; and, fourth, to the payment of the interest on bonds, the interest on which to any extent shall have been guaranteed by the Philippine government under this section."

Page 7, line 13, strike out the word "same" and insert in lieu thereof the words "said contract of guaranty."

In the same line strike out the words "signed and delivered" and insert in lieu thereof the word "executed."

Page 8, strike out line 11 and insert in lieu thereof the words "said government."

Page 8, line 20, after the word "the" insert the word "Philippine" and strike out the words "have the power to."

Page 9, after line 2, insert the following: "The supreme court of the Philippine Islands shall have original and exclusive jurisdiction in all actions, proceedings, or suits at law or in equity brought by the Philippine government against any person or corporation involving the construction of this section or any right existing under, duty enjoined, or act prohibited by said section, or any contract made in pursuance thereof; and jurisdiction is hereby vested in the supreme court to make such order, to enter such judgment or decree, and to take such proceedings in enforcement thereof as may be proper. During the vacations of said court the chief justice or any judge thereof shall have all the power to grant restraining orders, orders of injunction, to appoint receivers, or to do any other act, under authority herein granted, that a judge of a court of general jurisdiction may do in the vacation of court."

Page 9, line 6, after the word "purposes," insert the words "approved July first, nineteen hundred and two, so far as the same is not in conflict with the provisions of this section."

Same line, after the word "corporations," insert the words "the interest upon."

Page 9, line 7, after the word "bonds," insert the words "or any part thereof."

HENRY ALLEN COOPER,  
JAMES A. TAWNEY,  
E. D. CRUMPACKER,  
W. O. JONES,  
JOHN W. MADDOX,

*Managers on the part of the House of Representatives.*

HENRY CABOT LODGE,  
EUGENE HALE,  
FRED T. DUBOIS,

*Managers on the part of the Senate.*

#### STATEMENT.

The Clerk read the statement as follows:

The managers of the House on the disagreeing vote of the two Houses on the amendment of the Senate to House bill 14623, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes," state that the Senate have receded from their amendment No. 1.

This amendment was at the end of section 1 of the original bill, which section provided that all bonds issued by the government of the Philippine Islands, or by its authority, should be exempt from taxation in the Philippine Islands, or in the United States, or in any State or Territory, or in the District of Columbia. This amendment is in the following words: "And all of the provisions of this section are hereby made applicable to Porto Rico." This language might mean either that the Philippine bonds should not be taxable in Porto Rico, or, perhaps, that the bonds issued by the Porto Rican government, or under its authority, should be exempt from taxation, as would be the Philippine bonds. But, regardless of this ambiguity, the conferees were of the opinion that, except in unusual cases, legislation for the Philippines should be kept separate and distinct from that relating to Porto Rico.

The House conferees receded from their disagreement to Senate amendment No. 2, and agreed to the same with an amendment, inserting on page 4, after the word "legislation," the words "To be approved by the President of the United States," and by striking out the second proviso of the Senate amendment which required that no municipality in the Philippine Islands should exercise the power to issue bonds without the prior approval of the President. The section as thus amended permits the government of the Philippine Islands by appropriate legislation, to be approved by the President, to authorize any municipality of the islands, where taxation is inadequate for the purpose, to issue bonds, to provide funds to construct sewers and drainage facilities, to secure a sufficient supply of water and necessary public buildings for primary public schools, and limits the entire indebtedness of any municipality under this section to not more than 5 per cent of the assessed valuation of the real estate therein.

The conferees were of the opinion that it would prove unnecessarily burdensome to require each municipality in the Philip-

pinas desiring to issue bonds for any of these purposes first to obtain the approval of the President, but that it would be amply sufficient protection to the taxpayers to require that the legislation itself of the Philippine government, authorizing the issue of such bonds, should receive the approval of the President before going into effect. The whole section, as agreed upon, does not differ essentially from the original section of the House bill, except that it now provides that the entire indebtedness of the municipality shall not exceed 5 per cent of the assessed valuation of the real estate instead of all of the property in the municipality.

The House receded from its disagreement to Senate amendment No. 3, and agreed to the same with the following amendments: First, on page 6, line 15, strike out the words "chief executive" and insert in lieu thereof the word "governor-general." This amendment is to make the language of the section harmonize with section 8 of the original House bill, which provides that the civil governor of the Philippines shall hereafter be known as the governor-general of the islands.

Second: On page 7, after line 10, insert the following: "Fourth. That after the construction and equipment of said railroad in accordance with the foregoing provisions and all others of the contract of guaranty, the railroad shall apply its gross earnings as follows: First, to the necessary operating expenses, including reasonable expenses of the corporation; second, to the necessary and ordinary repairs of said railroad and its equipment; third, to such betterments and extraordinary repairs of said railroad or equipment, as may be first by the governor-general of the islands, in writing, expressly consented to; and, fourth, to the payment of the interest on the bonds, the interest on which to any extent shall have been guaranteed by the Philippine government under this section."

This is a very important amendment, fixing the order in and the purposes for which the gross earnings of the railroad shall be applied. Without this amendment there would be nothing to prevent a corporation from improperly diverting the earnings of the road to the injury of the road itself and of the Philippine government. This amendment prevents such possible diverting of the funds and protects the Philippine government by prescribing specifically for the application of the earnings, as follows: (a) To the necessary operating expenses, including reasonable expenses of the corporation; (b) to the necessary and ordinary repairs of said railroad and its equipment; (c) to such betterments and extraordinary repairs of said railroad or equipment as may be first by the governor-general of the islands expressly consented to; (d) to the payment of the interest on the bonds, the interest on which to any extent shall have been guaranteed by the Philippine government under this section.

Third. On page 7, line 13, strike out the word "same" and insert in lieu thereof the words "said contract of guaranty;" and in the same line strike out the words "signed and delivered" and insert in lieu thereof the word "executed." This amendment is merely for the sake of clearness and does not in anyway alter the purpose or effect of the paragraph.

Fourth. On page 8 strike out all of line 11 and insert in lieu thereof the words "said government." The Senate provision at this point reads as follows: "For the further security of the Philippine government the commission or any subsequent Philippine legislature shall declare the proper rules," etc. The words "any subsequent Philippine legislature" might imply that any Philippine legislature could prescribe the rules without the approval of the governor-general. As amended the paragraph will read "For the further security of the Philippine government said government shall declare the proper rules," etc.

Fifth. On page 8, line 20, after the word "the," insert the word "Philippine" and strike out the words "have the power to." The paragraph in the Senate amendment reads as follows: "The government" [without specifying what government] "shall have the power to appoint two members of the board of directors" of any railroad company coming under this section." This made the appointment of such directors discretionary. The amendments agreed upon by the conferees make the paragraph mandatory and require that the Philippine government shall appoint two members of such board of directors.

Sixth. On page 9, after line 2, insert the following: "The supreme court of the Philippine Islands shall have original and exclusive jurisdiction in all actions, proceedings, or suits at law or in equity brought by the Philippine government against any person or corporation involving the construction of this section or any right existing under, duty enjoined, or act prohibited by said section, or any contract made in pursuance thereof; and jurisdiction is hereby vested in the supreme court to make such order, to enter such judgment or decree, and to take such proceedings in enforcement thereof as may be proper. During the vacations of said court the chief justice or any judge thereof



shall have all the power to grant restraining orders, orders of injunction, to appoint receivers, or to do any other act under authority herein granted that a judge of a court of general jurisdiction may do in the vacation of court."

This also is a very important amendment. It makes the supreme court of the islands the tribunal for actions, suits, or proceedings at law or in equity brought by the Philippine government against any person or corporation involving the construction of this section or any right existing under, duty enjoined, or act prohibited by said section or any contract made in pursuance thereof. This court is given original and exclusive jurisdiction in such cases, with full power to make and render necessary orders, decrees, and judgments, and to enforce the same by proper process. The chief justice or any judge of the supreme court will have power during the vacations of said court to grant restraining orders, orders of injunction, to appoint receivers, or to do any other act under authority of this section that a judge of a court of general jurisdiction has in the vacation of court. This section is necessary to enable the government of the Philippine Islands to compel proper compliance with the provisions of this section and of the contract of guaranty by any corporation constructing and operating such railroad.

Seventh. On page 9, line 6, after word "purposes," insert the words "approved July 1, 1902, so far as the same is not in conflict with the provisions of this section;" and in the same line, after the word "corporations," insert the words "the interest upon;" and on the same page, line 7, after the word "bonds," insert the words "or any part thereof." The purpose of these important amendments is made plain upon a reading of the original paragraph of the Senate amendment, which is as follows:

"Section 74 of an act entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' is hereby made applicable to the corporations whose bonds shall be guaranteed under the provisions hereof."

It will be observed that reference is made to corporations whose "bonds" shall be guaranteed; whereas it is not "bonds" which are to be guaranteed, but the interest upon bonds. The Senate paragraph also omits the date of the approval of the act referred to, which was July 1, 1902. Moreover, there is a conflict between Senate amendment No. 3 and some of the provisions of said section 74 of the act of 1902. For example, Senate amendment No. 3 provides, as did the original House bill, that the bonds, the interest upon which is to be guaranteed, shall in no event exceed in amount the cash actually invested in the construction and equipment of such railroad. In other words, the principal of the bonds is to represent only cash actually invested, whereas said section 74 would permit the issuing of bonds for cash or for "property at a fair valuation" equal to the par value of the bonds so issued.

These omissions and contradictions are supplied or eliminated by the amendments agreed upon by the conferees. The amended paragraph reads as follows:

"Section 74 of the act entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' approved July 1, 1902, so far as the same is not in conflict with the provisions of this section, is hereby made applicable to the corporations the interest upon whose bonds, or any part thereof, shall be guaranteed under the provisions hereof."

HENRY ALLEN COOPER,  
JAMES A. TAWNEY,  
EDGAR D. CRUMPACKER,

*Managers on the part of the House.*

[Mr. COOPER of Wisconsin addressed the House. See Appendix.]

Mr. JONES of Virginia. Mr. Speaker—

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Virginia?

Mr. COOPER of Wisconsin. I will yield to the gentleman five minutes.

Mr. JONES of Virginia. Mr. Speaker, I only wish briefly to say that in my judgment the amendments which were placed on this bill in the Senate have materially improved it. I can not give to it my support even in its amended form, although, as I have said, in several respects it has been greatly improved, or, at least, been made less objectionable, than it was in the form in which it passed this House. There are two very important particulars in which it has been improved. As it passed this House the indebtedness which any municipality might incur could not exceed 5 per cent of the assessed value of all of its property. As the bill has been amended in the Senate, that indebtedness can not exceed 5 per cent of the assessed value

of the real estate. But the most important amendment made in the Senate is that which reduces the rate of the interest which the United States is to guarantee on bonds to be issued for the purpose of building railroads in the Philippine Islands from 5 to 4 per cent. The effect of this amendment is to limit the annual contingent liability of the United States on account of those proposed railroad bonds to \$1,200,000 instead of \$1,500,000, as was provided in the bill when it left this House.

The total liability which the United States can now incur on account of the railroad bonds which will be issued by the syndicates which are to exploit the Philippines will be \$36,000,000. As the bill passed this House that amount was \$45,000,000, and, in my opinion, the Senate amendment curtails the amount which the United States will in the end have to pay by just \$9,000,000. For, Mr. Speaker, I have no idea that the railroads to be constructed under this guaranty will ever pay a cent of the interest for which this measure makes the United States responsible. This being true, I welcome the action of the Senate reducing our liability.

The Democratic conferees believe that in several other respects the bill has been improved since it passed this body and for these reasons we have voted to concur in the Senate amendments. At the same time, Mr. Speaker, we can not agree to the proposition that the Government of the United States ought, under any circumstances, to guarantee interest upon bonds issued by railroad promoters in the Philippines. Therefore, while, as I have said, the bill is less objectionable to us in its present form than when it went from the House, we are not prepared to vote for it even in its somewhat modified and somewhat improved form. We are unalterably opposed to committing this Government to the payment of a single dollar for the construction of railroads in the Philippines. To guarantee the interest on bonds issued by American railroad promoters and syndicates is, in the opinion of the Democratic members of the Insular Affairs Committee, equivalent to paying it. Such has been the history of nearly, if not quite, every similar transaction in aid of railroad building in this country. I hope, therefore, that this measure, even in its amended form, may never become a law, and I especially appeal to every Democrat in this body to vote against it.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. COOPER of Wisconsin, a motion to reconsider the last vote was laid on the table.

#### USE OF BUILDINGS BY NATIONAL GUARD DURING INAUGURATION OF PRESIDENT.

Mr. DUNWELL. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from further consideration of Senate joint resolution 96, and that the same be acted upon by the House at this time.

The SPEAKER. The gentleman from New York asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from further consideration of the Senate joint resolution No. 96, of which the Clerk will report the title, and that the same be now considered.

The Clerk read as follows:

Senate joint resolution 96, authorizing temporary use of vacant houses in square 686, in the city of Washington, and for other purposes.

The SPEAKER. Is there objection to its present consideration?

There was no objection.

The Clerk read as follows:

*Resolved, etc.* That such of the vacant houses in square 686, in the city of Washington, now in the ownership of the United States, as may be designated for such purpose by the Superintendent of the United States Capitol Building and Grounds, may be used by the National Guard of the States and Territories as quarters on the occasion of the inauguration of the President of the United States March 4, 1905, such use and occupation not to extend beyond March 6, and to be subject to the control of said Superintendent of the Capitol Building and Grounds.

Mr. BARTLETT. Mr. Speaker, I did not quite hear what the resolution was. Do I understand that these are a part of the Capitol buildings and grounds, or buildings adjacent to it?

Mr. DUNWELL. Mr. Speaker, this will allow the use of some vacant buildings on the other side of the avenue, which are to be torn down shortly after the 1st of March.

Mr. BABCOCK. It is part of the square taken for the Senate office building.

Mr. DUNWELL. This will take the use of the building for a few days; that is all.

Mr. BARTLETT. I have no objection.

The SPEAKER. The question is on agreeing to the Senate joint resolution.

The joint resolution was agreed to.

On motion of Mr. DUNWELL, the motion to reconsider the last vote was laid on the table.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 7296. An act for the protection of the public forest reserves and national parks of the United States;

H. R. 7869. An act in relation to bonds on contracts with the District of Columbia;

H. R. 3947. An act for the relief of holders and owners of certain District of Columbia special-tax scrip;

H. R. 15011. An act to open to homestead settlement and entry the relinquished and undisposed of portions of the Round Valley Indian Reservation, in the State of California, and for other purposes;

H. R. 14906. An act for the relief of H. B. Wise;

H. R. 9493. An act to amend the act of February 8, 1897, entitled "An act to prevent the carrying of obscene literature and articles desired for indecent and immoral use from one State or Territory into another State or Territory, so as to prevent the importation and exportation of the same;

H. R. 18035. An act to amend section 552 of the code of laws for the District of Columbia, relating to incorporations;

H. R. 17749. An act authorizing the Kensington and Eastern Railroad Company to construct a bridge across the Calumet River; and

H. R. 16567. An act to authorize the Decatur Transportation and Manufacturing Company, a corporation, to construct, maintain, and operate a bridge across the Tennessee River at or near the city of Decatur, Ala.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6761. An act making an appropriation and providing for the construction of a United States revenue cutter for service in the harbor of San Francisco, State of California;

S. 5799. An act to provide for the extension of time within which homestead settlers may establish their residence upon certain lands which were heretofore a part of the Rosebud Indian Reservation within the limits of Gregory County, S. Dak., and upon certain lands which were heretofore a part of the Devils Lake Indian Reservation, in the State of North Dakota;

S. 3843. An act providing for the hearing of cases upon appeal in the circuit court of appeals for the ninth district in the State of Washington; and

S. 1492. An act for the relief of the widow and children of Daniel McDonough, deceased.

The message also announced that the Senate had passed the following resolution:

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3431) to amend the act of February 8, 1897, entitled "An act to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory," so as to prevent the importation and exportation of the same.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses to the bill (H. R. 17094) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the Senate had disagreed to amendments to bills of the following titles, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate:

S. 6152. An act granting an increase of pension to Anne E. Wilson;

S. 6351. An act granting an increase of pension to Martin T. Cross;

S. 5947. An act granting an increase of pension to Florence O. Whitman; and

S. 5732. An act granting a pension to Philip Lawotte.

#### POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17865, the post-office appropriation bill. Pending that motion, I ask unanimous consent for a reprint of the bill.

The SPEAKER. The gentleman from Indiana asks unanimous consent for a reprint of the post-office appropriation bill. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Indiana moves that

the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill, with Mr. LAWRENCE in the chair.

Mr. OVERSTREET. Mr. Chairman, I yield thirty minutes to the gentleman from Indiana [Mr. CROMER].

Mr. CROMER. Mr. Chairman, on the 15th day of last April I had occasion to call the attention of this House to what I thought was the unfair apportionment of appointments to Federal positions from the District of Columbia and the States of Virginia and Maryland. Exceptions, it seems, were taken to my remarks by Civil Service Commissioner Mr. Greene, who declared that the District of Columbia had, all told, on July 1, 1903, only 563 apportioned places or appointments—that is, only 563 persons were occupying positions through the civil-service apportionment on July 1, 1903.

Now, gentleman, I am perfectly willing to acknowledge that I erred in saying that the District of Columbia had obtained more than the 563 apportioned appointments in a legitimate manner, but I believe I will be able to show to this House that a vastly larger number of persons have been appointed to positions from the District than the number indicated by the Civil Service Commissioner.

In my former speech I said that according to official sources there was a total of 20,312 persons employed in the nine Executive Departments, including the Government Printing Office, in this city on July 1, 1903. I believe that I will have to apologize for that statement, which was not exactly true, as I find from another later and unquestionable official source that I was in error, as the number instead of being 20,312 was on that date 25,065, to which properly might be added 337 in the Smithsonian Institution, 147 in the Interstate Commerce Commission, 126 in the Civil Service Commission, making a total of 25,675 employees in the Federal service in these Departments in this city on July 1, 1903.

Mr. Chairman, I desire, before continuing my remarks, to state that the information I obtained in my April speech in reference to the number of appointments in the several Executive Departments in this city was secured from the Official Register. This authority gave the total number of persons employed in the nine different Departments, including the Government Printing Office, as 20,312, but a later publication, Bulletin No. 12, issued by the Census Bureau, at the instance of the Civil Service Commission, gave the total number as 25,065, or 4,753 in excess of the number given by the Official Register.

I desire now to submit the following table showing the total number of appointments in the several Executive Departments, including the Government Printing Office, prior to July 1, 1903, as separately reported in the Official Register and Census Bulletin No. 12, table 22:

Department.	Official register.	Census bulletin.
State .....	113	113
Treasury .....	5,949	6,003
War .....	1,640	1,870
Justice .....	250	208
Post-Office .....	1,116	1,576
Navy .....	639	672
Interior .....	4,119	4,166
Agricultural .....	1,190	4,115
Commerce and Labor .....	1,275	2,315
Government Printing Office .....	4,021	4,027
Total .....	20,312	25,065

Here is a difference of 4,753 appointments, which does not include the 610 that are employed in the Smithsonian Institution, Interstate Commerce Commission, and the Civil Service Commission.

If the Official Register is authentic and its compilers did their work accurately and honestly, where were the 4,753 persons who were on the pay rolls at the very time they gathered the statistics for this publication?

Let me note some of the discrepancies between these two authorities. Take, for instance, in the Agriculture Department, there is a difference of 2,925; in the Post-Office Department, 460; in the War Department, 230; and so on down the list of Departments; the Census Bulletin shows a greater number of employees in all except two. In the Department of Justice the Census Bulletin shows 42 less. In the Department of State both authorities agree and give the same number, 113.

I desire now to take up the number of District of Columbia



appointments in the nine Executive Departments, including the Government Printing Office, in this city. I shall use the word "appointed," because my authority is the Census Bulletin No. 12, which, as I said before, was issued at the instance of the Civil Service Commission. This bulletin plainly states that the number of persons that I will hereafter show by a tabulated statement were appointed from the District of Columbia, and does not even intimate that "up to a recent date a single one of them lived in other States and whose residence in the District is rather technical than actual."

It shows that more than one-fifth, or 5,348, of the 25,675 employees in the Departments, Bureaus, and independent offices in this city were appointed from the District of Columbia.

Remember, gentlemen, this bulletin uses the word "appointed" from the District of Columbia, and I guess we all understand what "appointed" means, especially when it refers to any of the States.

The following statement contains the number of appointments in the several Executive Departments, including the Government Printing Office, and also the percentage of appointments that are credited to the District of Columbia:

Department.	Number.	Per cent.
State .....	33	29.7
Treasury .....	2,133	35.5
War .....	521	27.8
Justice .....	40	19.2
Post-Office .....	181	11.4
Navy .....	189	23.1
Interior .....	649	15.5
Agricultural .....	294	7.1
Commerce and Labor .....	198	8.5
Government Printing Office .....	911	22.6
Total .....	5,149	20.5

<sup>a</sup> Average.

This is 20.5 per cent of the total number employed.

Mr. BAKER. Will the gentleman yield for a question?

Mr. CROMER. Yes, sir.

Mr. BAKER. In view of the fact that the people who live in the city of Washington have no voice in the conduct of the affairs of the city, do you not think they should have some privilege to offset our decree that they shall be foreigners, and if office holding is a privilege—the gentleman does not seem to desire to answer—that that is the least we could give them to offset the other deprivation?

Mr. CROMER. I take it that the gentleman is not serious.

Mr. BAKER. I am; I am serious. I think it is an outrageous thing that in the United States of America 300,000 people have no voice in the conduct of their government.

Mr. CROMER. Well, you did not express yourself emphatically until now.

Here is a total of 5,149 employees that were appointed from the District of Columbia, which does not include the 17 out of 147 that are employed in the Interstate Commerce Commission, the 11 out of 126 employed in the Civil Service Commission, and 171 out of 337 that are employed in the Smithsonian Institution, which would increase the total number of appointments from the District to 5,348, as stated in Census Bulletin No. 12, which was issued at the instance of the Civil Service Commission.

I desire now to present a table showing the number of persons from the following fifteen States that were employed, on July 1, 1903, in the nine different Executive Departments and the Government Printing Office, as furnished by the Official Register and Census Bulletin No. 12.

The difference is so great that it seems appalling.

State.	Number reported in official register.	Number reported in census bulletin.	Increase or difference.
Alabama .....	186	285	99
California .....	232	357	125
Colorado .....	109	154	45
Florida .....	83	135	52
Georgia .....	316	519	203
Illinois .....	825	1,199	374
Indiana .....	542	707	165
Iowa .....	372	573	201
Louisiana .....	135	215	80
Maine .....	189	275	86
Michigan .....	427	585	158
Ohio .....	951	1,194	243
Nebraska .....	192	336	144
North Dakota .....	47	65	18
Montana .....	38	59	21
Total .....	4,924	6,658	1,734

This gives a difference of 1,734 for these fifteen States; and it seems very strange to me that such a discrepancy should exist between these two reports. Possibly the 850 persons in the Census Bureau were not included in the report furnished by the Official Register, but even if this were true, the increase of 203 for Georgia, 374 for Illinois, 165 for Indiana, 201 for Iowa, and so on for the rest of the fifteen States I have named can not be accounted for, according to my view of the matter.

If you remember, the total number of employees reported in the Official Register was 20,312, while the Census Bulletin reported 25,065, which does not include the 610 in the Smithsonian Institution, Civil Service Commission, and Interstate Commerce Commission, a difference of 4,753; and deducting the 1,734 for the fifteen States mentioned leaves 3,019 as the balance of the difference to be distributed among the other thirty States.

The Official Register gave the total number of appointments in the several Executive Departments, including the Government Printing Office, from the District of Columbia as 4,962, while Census Bulletin No. 12, issued at the instance of the Civil Service Commission, gives the total number of appointments for the District 5,149, or a difference of 187, to which can be added the 199 in the Interstate Commerce Commission, Civil Service Commission, and the Smithsonian Institution, which makes a difference of 386.

Mr. Chairman, I desire to treat the District with all the fairness possible. Therefore, for the sake of the argument, I want to deduct the 1,500 employees that were appointed from the District of Columbia to positions in the Bureau of Engraving and Printing, because a large number of them do piecework at salaries averaging \$1.25 per day. Of course there are several hundred in this Bureau whose wages are much greater than \$1.25 a day, many of them making as much as \$6 and \$8 a day, so I am informed. If I deduct the 1,500 in this Bureau from the 5,348 appointments that are credited to the District, there will still be remaining 3,848 appointments distributed among the other Departments, bureaus, and independent offices.

I simply make this deduction as a matter of fairness, although I honestly believe that it is no more than just and right that the 1,500 appointments should be added to the District's total, as has been done in Census Bulletin No. 12, Table 22.

These 3,848 appointments from the District, representing a population of 278,000, is only 110 less than the total number of appointments from the States of Alabama, California, Colorado, Florida, Indiana, Iowa, Louisiana, Maine, Michigan, Montana, Nebraska, and North Dakota, representing a population of 15,352,000; or, if I add the 1,500 appointments from the District that are in the Bureau of Engraving and Printing, the District then would have 116 less than the total number of appointments from the 12 States I have mentioned, after adding Georgia and Illinois. In other words, these 14 States, representing a total population of 22,389,000, had 5,464 appointments, while the District of Columbia, representing a total population of 278,000, had 5,348 appointments. This is an average of one appointment for every 52 of the inhabitants of the District, and an average of one appointment for every 4,024 of the total inhabitants of the 14 States I have mentioned.

Mr. Chairman, the Official Register gave the total number of appointments from the District of Columbia in 7 Executive Departments and the Government Printing Office on July 1, 1901, at 3,565, while the Census Bulletin No. 12 gave the number of appointments for the same Departments on July 1, 1903, at 4,303, an increase of 738 for the two years, or 31 more appointments than is credited to the State of Indiana all told.

My object in making a comparison of only 7 Departments is because the Department of Commerce and Labor was barely in existence at the time and the Interior Department had on the Census roles several hundred clerks who were let out when the work of tabulating the Twelfth Census was completed.

I often hear it said that it is impossible for applicants for Federal positions from the District to get appointments now, because the quota is full; but I notice the Manual of Examinations, revised to January 1, 1905, issued by the Civil Service, shows that 137 apportioned places have been given the District since July 1, 1903, while to Indiana during the same time were given 23; to Iowa, 25; to Massachusetts, 40; to Minnesota, 28; to Alabama, 13, making a total of 129, all told.

These five States, representing a total population of 11,133,000, received eight less apportioned places during the last eighteen months than were given to the District, having a population of 278,000, in the same time.

It seems that social pull controls the action of the members of the Civil Service Commission.

I want to be thoroughly understood in this matter. I am not talking about the apportionment of appointments alone that have been made by the Civil Service Commission, but I insist that the District of Columbia is getting the appointments re-

ardless of whether the positions are apportioned by the Civil Service Commission or have been made by the Departments by the back-door method.

What difference does it make to a resident of the District of Columbia whether he obtains a Government position through the classified-service route or through the back-door method, as it is generally known? What does he care about the apportionment of appointments so long as he obtains the position?

I want to reiterate also my former statement about the unfair and unjust appointments that have been allotted to the States of Maryland and Virginia. This Census Bulletin, table 21, gives to the State of Maryland the total number of appointments, in the nine Executive Departments, bureaus, and independent offices in this city, 1,398, or 159 in excess of the number given in the Official Register. To the State of Virginia the Census Bulletin gives the total number 1,119, or 121 more than is accounted for in the Official Register.

These two States with their combined number of appointments have a total of 2,517, which, when added to the 5,348 appointments from the District of Columbia, brings the total number up to 7,865, or 30.1 per cent of all those employed in the Executive Departments, bureaus, and independent offices in this city. These two States and the District of Columbia, representing a combined population of 3,322,000, or 4.4 per cent of the total population of the United States, have nearly one-third of the officeholders in this city that are directly employed by the Government. This is an average of one appointment for every 423 of the total inhabitants. On the other hand, the great State of New York, with its 7,268,000 population, had 2,206 appointments on July 1, 1903, or an average of one appointment for every 3,295 of its total inhabitants.

If the remaining forty-three States and four Territories had the proportion of appointments that are credited to Maryland, Virginia, and the District of Columbia, the army of Government officeholders in this city would have to be increased from 25,675 to 179,693. If all the States and Territories had appointments in the same ratio to population as has been allotted to the District of Columbia, the total number of employees would have to be increased from 25,675 to 1,461,534. This would be equivalent to an appointment for every man, woman, and child in the great State of California.

Mr. Chairman, when we take into account that there are 500 positions held by District of Columbia people in the different Departments and bureaus in this city, whose salaries range from \$1,400 to \$8,000 a year, we can not expect anything else but favoritism to exist in its most palpable form. I believe that I am safe in saying that there is not one out of ten of the persons in these high-salaried and influential places that are filled by District of Columbia persons but who obtained them through the influence of those high in authority in the Federal service.

Gentlemen, it has been said that Washington society can either procure the appointment of or removal of a Cabinet officer at its pleasure, and I am getting so that I nearly believe it.

The time is coming when the people in the States will rebel against the outrageous hogging of offices by the District of Columbia, and it is their duty to do so. Even now, the District people imagine they have a quitclaim deed for the navy-yard, Government Printing Office, and the Bureau of Engraving and Printing. They simply rave and tear their hair whenever a person from the States succeeds in securing an appointment in either of these places. They are not satisfied with the 3,848 appointments they had eighteen months ago in the several Departments, but, with that avaricious greed for grasping after every job in reaching distance, they get mad if one of our constituents should by some honest method be lucky enough to receive an appointment in one of these three places.

Mr. Chairman, it has often been alleged that the District of Columbia people are favored in the way of promotions. There may be a grain of truth in this when we consider that more than 500 of them are drawing salaries, not one of this number receiving less than \$1,400 annually. No doubt, whenever an opening presents itself they get their society influence at work, which generally brings forth good results.

On July 8, 1904, the Washington Star published a list of promotions in the Treasury Department, and out of the number Indiana was generously favored by having four persons promoted, New York sixteen, and the District of Columbia fifty-two. This disproportionate number of promotions for the District possibly can be accounted for from the fact that its number of officeholders is so much greater than any of the States.

There are a large number of Bureaus, and possibly some of the Departments, that do not publish a list of their promotions. Why are they smothered? Is it because of the favoritism shown those appointed from the District of Columbia? Possibly so.

Another thing, Mr. Chairman, I desire to touch upon, and it

is this: So greedy and eager are the District people after jobs that they are not satisfied with one member of the family in office, but they scheme and plan until they succeed in getting in the whole family. Not only this, but many of them are credited to one of the States, when, in fact, they have never lived outside the District boundary. I found a case of this kind in my own district.

One of the greatest abuses that is being successfully worked by those in authority is the placing of persons on the temporary rolls whether an emergency exists or not; but the District of Columbia people must be accommodated regardless of emergencies. They must be put on the pay rolls in some manner. It is an absolute necessity, it seems. They argue that once on the pay rolls always on the pay rolls. These temporary clerks—and I do not refer to those appointed during the Spanish-American war, but to those who, through influence and social pull, secure an appointment in one of the Departments or Bureaus for a period of ninety days and then are farmed out, as it were, to all the other Bureaus and Departments, when they can creep in until the entire list is covered, which requires several months, thus becoming fixtures and permanent clerks.

Through this scheming it is alleged that a large number of District people are kept in office practically the year round. It is just such abuses of this character that opens the opportunity for this class of clerks to step into the service through the "back door," as it is termed by those who have, with a good intention, passed the civil-service examinations, but are cheated out of their places by this temporary appointment process or plan that is being worked expressly for those who reside in the District of Columbia.

For the year ending with June 30, 1903, there were 304 scheduled and special examinations for departmental and Government printing services held in this city, while in Indiana, for the same period and the same class of examinations, there were only 75, a difference of 229 examinations in favor of the District. These examinations included transfers, promotions, reinstatements, and original entrances. On account of the easy accessibility to be examined in the District, is it any wonder that the District has any fewer apportioned positions than is credited to it? Of the 304 examinations, which does not include the 53 that were held for the Philippine service in the District, 262 of them were "special." It seems as though every opportunity is given the District people to get into office, and yet we sit here with our mouths closed as tight as clams, apparently afraid to check the iniquitous evil for fear of being ostracized by Washington society.

It is a matter of record that an average of 1.5 persons from the District are being rushed into Government positions in this city every day in the year, and we allow them to do it without uttering a word of condemnation or protestation against it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OVERSTREET. Mr. Chairman, I yield three minutes more to my colleague from Indiana [Mr. CROMER].

Mr. POUL. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield?

Mr. CROMER. Yes.

Mr. POUL. I have listened with a great deal of interest to what the gentleman has been saying. I would like to inquire of him if he does not think that it is a great injustice for the President of the United States in designating his Cabinet to persistently ignore one large section of the Union?

Mr. CROMER. Well, in answer to that question I think that a Cabinet officer is such an important position that he ought to be appointed from whatever section of the country in which he may live; and no one would condemn the appointment of the Hon. John Hay, even though he gives his residence as the District of Columbia, because of his qualifications for the position which he occupies.

Mr. POUL. I do not think, Mr. Chairman, the gentleman has answered my question. If he will examine the record of the appointments of Cabinet officers, he will find that for forty years there is one particular section of the Union that has been almost without representation. Now, I would like to ask him if he does not think that is a positive injustice to that section?

Mr. CROMER. Well, that is a matter for the Presidents themselves. These places of Cabinet officers are personal and confidential, and a President would have the right to select them without regard to locality.

In conclusion I want to state, in justice to the Civil Service Commission, that they state in their last annual report, published recently, that "during the past year the civil-service act has been more effective, and temporary appointments, which have been called the 'back doors' of the civil service, have been less numerous than in former years." If they will thoroughly investigate this back-door abuse, that seems to be so



glaringly and purposely worked for the District, and put a stop to it, they will have accomplished much for civil-service reform.

The Commission claims that the "number of temporary appointments continues large," but it has no control over them. If this is the case, then they should be given more power, so the abuse can be eradicated. If the heads of the Departments, appointment clerks, and chiefs of bureaus have been instrumental in crowding these District people into the permanent service through the back-door method, this House should by all means become cognizant of the fact.

Let there be something done in this matter at once, if for no other reason than to give those who live in the States an equal opportunity and an even chance to secure an office with the people who live in the District of Columbia. [Applause.]

Mr. OVERSTREET. Mr. Chairman, I now yield five minutes to the gentleman from Maine [Mr. LITTLEFIELD].

Mr. LITTLEFIELD. Mr. Chairman, I did not rise for the purpose of engaging in any extended discussion, but I wish again to call attention to the financial condition which confronts us. I referred to the matter somewhat the other day when the committee were in session upon the agricultural appropriation bill. I have read the very able and instructive analysis of the post-office appropriation bill made by the distinguished chairman of the committee, and I notice that the bill carries \$180,781,993.75. In the computation I made some days ago my estimate was that this appropriation bill was in excess of the previous post-office appropriation something like \$8,200,000. The estimate of the chairman of the committee is that this bill is in excess of the previous appropriation \$9,935,995. I do not criticise any of the provisions of the bill, because I assume that the committee has exercised all due care in recommending these various appropriations, but it makes the net decrease of appropriations for 1906, as compared with the appropriation for the fiscal year 1905, something less than \$4,000,000—about \$3,000,000. Now, in that connection, I want to call the attention of the committee to the fact that the available cash balance June 30, 1904, was \$66,634,566 less than the preceding June 30, 1903. The available cash balance to-day, according to the report which we have sent us by the Secretary of the Treasury, is only \$136,577,184, making a shrinkage of available cash balance on hand, as compared with June 30, 1904, of \$35,474,384.

I should also call attention to the fact that the last month's business shows an excess of expenditures over receipts of \$6,656,758.11, and shows a deficit for this fiscal year thus far of \$29,036,350.67. If the deficit that occurred during this month continues during the balance of the year at the same rate, we will have at the end of this year—June 30, 1905—a deficit of \$61,448,745. The estimated appropriations for 1906, with the analysis that I gave the other day, will show, without taking into account a river and harbor appropriation bill, or without taking into account a public buildings bill, or without taking into account a deficit in the Navy Department for this very fiscal year of 1905 of about \$15,000,000—it will show a deficit of practically \$60,000,000. So that we have under existing conditions for 1905 and 1906 a deficit of nearly \$120,000,000.

Now, I would like to ask the chairman of the Committee on Post-Offices and Post-Roads [Mr. OVERSTREET] whether he feels that it is wise or safe for us to continue to appropriate to that extent in excess of our expected revenue?

Mr. OVERSTREET. Mr. Chairman, I do not—

Mr. LITTLEFIELD. Of course I am not criticising his bill.

Mr. OVERSTREET. I do not know that I can answer that question as fully as it should be answered.

Mr. HILL of Connecticut. It is a pretty serious question.

Mr. LITTLEFIELD. Because it takes in the scope of the entire appropriations for the Government.

Mr. OVERSTREET. That is entirely true. I am not as familiar with those tables as the gentleman from Maine [Mr. LITTLEFIELD], and, assuming that they are entirely accurate, I will say this, that I would unhesitatingly hold that it is wise to make the appropriations provided all of the appropriation bills are limited to the actual necessities of the service as closely as the post-office appropriation bill seeks to limit them. I know nothing about the other bills.

Mr. LITTLEFIELD. Does not the gentleman from Indiana [Mr. OVERSTREET] feel that the appropriations in the gross should come within the revenue?

Mr. HILL of Connecticut. Or else the revenue made to fit it?

Mr. OVERSTREET. I can not answer affirmatively that question. I will illustrate it, however. I believe it will be wise to make appropriation for the postal service—that is, for its legitimate and fair administration, even if we have to sell bonds to raise the money. I should hesitate to recommend a limited appropriation for the administration of the postal service simply because we did not see clearly that the receipts

would equal the expenditures. In other words, whatever is wise and proper for the administration of the postal service ought to be provided for regardless of the receipts of the Government.

Mr. LITTLEFIELD. And I agree entirely with the gentleman from Indiana [Mr. OVERSTREET]; but the question is very much broader than that. The question is, Whether we are to continue to make appropriations and face a deficit; and if we have a public buildings' bill and the river and harbor bill and take care of the Navy, and a deficit of nearly \$100,000,000, comparing our expenditures with our receipts, faces us, whether it is wise for us to continue thus appropriating without providing additional taxation for additional revenue? It does not seem to me that it is wise.

Mr. OVERSTREET. That is a matter for Congress to determine and not an individual Member.

Mr. LITTLEFIELD. That is very true.

The CHAIRMAN. The time of the gentleman from Maine [Mr. LITTLEFIELD] has expired.

Mr. OVERSTREET. Mr. Chairman, I yield five minutes further to the gentleman.

The CHAIRMAN. The gentleman from Maine [Mr. LITTLEFIELD] is recognized for five minutes more.

Mr. LITTLEFIELD. Mr. Chairman, I do not criticise in any sense any of the provisions of the post-office bill. I have no doubt that they are perfectly wise. What I am endeavoring to ascertain by various and repeated inquiry is whether we are to bring our appropriations within the limits of our revenue. If we are not to increase revenue, we must decrease the appropriations. Now, I am disinclined, so far as I am concerned, to increase taxation for the purpose of getting increased revenue if the appropriations can be brought within the limit. I do feel that the appropriations ought to be limited to the revenue expected. I do not know whether the gentleman from Indiana [Mr. OVERSTREET] is sufficiently well advised to inform the committee just what the policy is to be in this respect. If we are to cut down an appropriation bill, what I would like to know is what appropriation bill we are to cut down, if any.

Mr. BAKER. The navy bill.

Mr. LITTLEFIELD. Well, I thank the gentleman for his suggestion, but he will excuse me, as I was not inquiring of him just then. [Laughter.] I was inquiring of some one who stood nearer to the men who formulate the policy of the House, not to make any reflection on my distinguished friend from New York. The object of making this inquiry is to get information as to the policy to be pursued. I am willing to follow the gentlemen that shape the policy of the House in whatever is reasonable. If they say cut down the appropriations in order to reach this, I am ready to cut down the appropriations; but I would like to be advised what appropriations can be wisely, safely, and judiciously cut down. If they so desire, I will follow them to increase the taxes for the purpose of getting more revenue if it appears to be needed; but we can not go along on the basis of continuing the appropriations in excess of the revenues. Now, I do not, of course, intend to intimate that the gentleman is sufficiently fully advised to answer that suggestion, and do not ask the gentleman to answer it unless he feels so disposed.

Mr. OVERSTREET. Why, certainly, I do not feel advised or that I should properly undertake to answer conclusively that question. It is a serious question, and one which we all appreciate; but sometimes we are compelled to incur indebtedness in the continuance of the service of the Government without undertaking at the time to determine where the money is to come from to defray this expenditure.

I would say this to the gentleman: I think it would be an unwise policy for us each year to make appropriations only according to the revenues of that year. We are obliged to outline policies and to build to those policies as nearly as possible over years, not over one year; and on that theory I should think, even if it at the time exceeded the revenues of that year, that would not necessarily put us into insolvency.

Mr. LITTLEFIELD. True, we would not want to get into insolvency. We might issue bonds.

Mr. OVERSTREET. Yes.

Mr. LITTLEFIELD. And we may exceed the available cash balance. Personally I would not feel that a deficit of \$61,000,000 would be a deficit that ought to be allowed to stand with that difference between the appropriations and revenue. Of course, I do not know how the gentleman feels about that. It seems to me too large.

Mr. OVERSTREET. I would say, so far as this measure is concerned, I think the Committee on Post-Offices and Post-Roads would have been disposed to have been more liberal in some lines, for the extension of new facilities, possibly for



the increase in compensation to some of the employees, if we had a large surplus instead of a probable deficit. I think that this committee at least has been somewhat influenced in its recommendation because of this condition which the gentleman has pointed out. But we have gone just as far as we felt the demands of the service for the benefit of the public will warrant. What other committees may do, or what they may refrain from doing, I can not answer the gentleman.

Mr. LITTLEFIELD. I have no doubt, from the suggestions of the gentleman with reference to this bill, that his committee has acted wisely and conservatively.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LITTLEFIELD. Just one more inquiry I wish to make about this bill.

Mr. OVERSTREET. I yield two minutes more to the gentleman.

Mr. LITTLEFIELD. The great increase in the appropriations and expenditures during the last seven or eight years have been in the army, the navy, and the post-office appropriation bills. Now, the greatest increase of all is in the post-office appropriation bill. I have no doubt myself but that the increases were necessary and entirely justifiable, but they were very large. I think possibly the gentleman at this stage can perhaps give us an explanation of the large increase. In 1898 the appropriations in round numbers were \$95,000,000; in 1905 they were \$172,000,000, showing an increase in the eight years of \$76,000,000 annually. I wish to say that I have no question but that is wise and judicious, but it is large, and I think, perhaps, the gentleman might be willing now to explain it in a general way.

Mr. BAKER. How large is the increase?

Mr. LITTLEFIELD. Seventy-six million dollars.

Mr. BAKER. How much did the revenue increase?

Mr. LITTLEFIELD. The gentleman can answer that when he makes his statement. I think it has kept fair pace with it.

Mr. OVERSTREET. Mr. Chairman, I touched upon that in a brief way yesterday; but briefly I can say that the increased volume of business for this period of time has necessarily and naturally required an increase of expenditure. The natural increase of the receipts from year to year averages about 9 per cent. The natural increase in expenditures would not be quite that much under normal and ordinary conditions. The expenditures, however, for the past six or eight years have been extraordinary in the field of extension of rural delivery, which has unquestionably added very largely to the increase of expenditures.

There has also been an increase of expenditures on account of the equalization of compensation of clerks in first and second class post-offices, which, I presume, has aggregated all told several millions of dollars, solely for the purpose of increase of salaries. The gentleman will appreciate the fact that it is always easier to equalize by raising than by lowering the standard.

There have been increases of expenditure incident to new facilities which have been inaugurated, like the pneumatic-tube service. An increase of expenditure has been occasioned by the requirements under contract, the screen-wagon service, and under the star-route service, by reason of better management of those services, a better class of employees, a better class of horses and wagons in use, which have required increases of expenditure.

On account of those factors and others which might be named the increase in expenditures for the past six or seven years on an average has exceeded the increase of expenditures as compared with the normal increase of receipts.

I pointed out yesterday that the deficit for the year 1904 was increased 92 per cent over the deficit for the year 1903. The deficit for the year 1903 was 55 per cent higher than the deficit for 1902, but the estimated deficit for the current fiscal year will only be 25 per cent higher than the deficit of 1904, and assuming that the receipts for the year 1906 will be the natural increase of 9 per cent, and assuming that the appropriations recommended by this bill will equal the expenditures for the year 1906, the increase in the deficit for 1906 over the deficit of 1905 will only be 6 per cent, so that we seem to have reached the point where we have started again to lower the deficit, and I hope eventually that the deficit may be wiped out.

Mr. LITTLEFIELD. That would indicate that your increased expenditures had been fully justified.

Mr. OVERSTREET. Certainly.

Mr. BOUTELL rose.

The CHAIRMAN. Does the gentleman from Maine yield to the gentleman from Illinois?

Mr. LITTLEFIELD. Yes.

Mr. BOUTELL. Mr. Chairman, I think it is only right to cor-

rect a misapprehension that the statement made by the gentleman from Maine [Mr. LITTLEFIELD] may have created in reference to the decrease in the available cash balance. The statement given by him with reference to the decrease in the available cash balance between the end of the fiscal year 1903 and the end of the fiscal year 1904 did not take into consideration the extraordinary payments of \$50,000,000 to the Panama Canal and of \$4,600,000 for the St. Louis fair. Of course the statement is correct as to the difference between the amounts, but the payments were extraordinary and unusual, and the statement, if unexplained, might give the impression that the difference occurred in the ordinary conduct of the business of the country.

Mr. LITTLEFIELD. I simply took the figures from the report of the Secretary of the Treasury. I have no doubt that the gentleman is correct. The explanation not having been suggested in the report, I confess it did not occur to me.

Mr. OVERSTREET. I yield five minutes to the gentleman from Missouri [Mr. COWHERD].

Mr. COWHERD. Mr. Chairman, I simply want to call the attention of the gentleman from Maine [Mr. LITTLEFIELD] to a few figures.

Mr. LITTLEFIELD. Mr. Chairman, I hope the gentleman does not understand me as criticising this bill.

Mr. COWHERD. No; I do not understand the gentleman as criticising the particular bill, but for the information of the gentleman and of the House, and in support of the committee, I desire to call the attention of the committee to the fact that this is the first post-office appropriation bill for many years that has been brought in that in its totals is less than the estimates called for by the Department. If you will look at the totals since the year 1900, you will find that the committee ordinarily reports a bill calling for more than the estimates of the Department, and the House invariably raises it to more than is reported by the committee; so that in 1900 the bill as reported by the House was \$3,157,000 more than the estimates; \$1,515,339 in 1901; \$3,185,022 in 1902; \$419,529 in 1903; \$1,910,818 in 1904; whereas this year we report a bill which is \$2,966,501 less than the estimates.

So that I submit to the gentleman, the committee this year at least has been endeavoring to reduce the appropriation every way possible. Now, I would like to ask the gentleman from Maine—and I heartily agree with him in his proposition that you have got to spend less money or raise more revenue—I would like to ask the gentleman from Maine, whom we all know is nearer "the powers that be" than any gentleman on this side, how he proposes to raise additional revenue, if he and his party intend to stand pat on the tariff?

Mr. LITTLEFIELD. The gentleman from Maine is not yet advised as to the policy that is to be pursued. I will simply say that I am making these inquiries in good faith. Later on I will endeavor to give from my point of view a general analysis of what seems to me to be the financial condition confronting us, giving more or less of an analysis of the increase of appropriations, and the general conditions bearing upon this whole question of appropriations, increase of taxation, necessary for the increase of revenue, etc.

Mr. GAINES of Tennessee. How does the gentleman from Maine account for this deficit?

Mr. LITTLEFIELD. The gentleman from Maine accounts for the deficit in this way, that the Government has expended more than it has received. [Laughter.]

Mr. GAINES of Tennessee. What has the Government been spending it for? Of course nobody has stolen any! [Laughter.]

Mr. LITTLEFIELD. The large appropriations, if the gentleman would like to have me give them—

Mr. GAINES of Tennessee. We all know that the gentleman is well informed on the subject. What has the Government done with so much money, with this large and enormous surplus in the Treasury a few months ago?

Mr. LITTLEFIELD. The large expenditures occur in three appropriation bills—the army appropriation bill, the naval appropriation bill, and the post-office appropriation bill. There are some increases in the others, but the great increases are in these three.

Mr. GAINES of Tennessee. The gentleman from Maine has voted to reduce the Army to a minimum, and the naval expenses, or is willing to do it, I suppose?

Mr. LITTLEFIELD. I will take any reasonable and proper course which I believe proper in these departments or in any other. I will not vote not to appropriate money for the Army, nor will I vote not to appropriate money for the Navy.

Mr. GAINES of Tennessee. Did the gentleman from Maine vote to reduce the Army a few days since?

Mr. LITTLEFIELD. I do not remember whether I was in the House when that vote was taken or not.



Mr. GAINES of Tennessee. Well, that is a pretty safe answer. [Laughter.]

Mr. LITTLEFIELD. If I was not in the House, I did not vote.

Mr. GAINES of Tennessee. As a matter of fact, now, the gentleman will agree that this deficit, after we had such an immense revenue, has been brought about by large appropriations, where we have been forced, a great many of us, to spend it in increasing armies, building navies, and the immense expense in carrying out our insular plans. Is not that so?

Mr. LITTLEFIELD. I will discuss that matter with the gentleman a little later.

Mr. BAKER. May I suggest where the gentleman can get \$5,000,000 revenue?

Mr. LITTLEFIELD. I will discuss the whole question later, when I have prepared the analysis on the whole question.

Mr. BAKER. May I suggest where you can get some revenue?

Mr. OVERSTREET. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Chairman, while I am heartily in sympathy with the ideas of the gentleman from Maine [Mr. LITTLEFIELD] that appropriations ought to be cut down within the limits of economy, I am unwilling that his statement should go unchallenged as to the condition of the Treasury.

The total excess of expenditures over receipts for the fiscal year ending June 30, 1904, was forty-one million and a few thousand dollars instead of sixty-six millions, as stated by the gentleman from Maine. This was occasioned, as has been stated by the gentleman from Illinois [Mr. BOUTELL], by the payment of \$50,000,000 upon the Panama Canal, an unusual payment, of course, and also \$4,600,000 to the St. Louis Exposition—I believe the first instance where the Government has loaned money to a private corporation.

Mr. GAINES of Tennessee. But that has all been paid back.

Mr. PAYNE. It was not returned until after June 30, 1904, the end of the fiscal year.

Mr. LITTLEFIELD. I think perhaps the gentleman from New York labors under an inadvertence. My statement was that the available cash balance June 30, 1904, was \$66,000,000 less than the preceding year.

Mr. PAYNE. I am speaking of the excess of expenditures over receipts.

Mr. LITTLEFIELD. That I did not make any statement about.

Mr. PAYNE. That showed, after taking out the extraordinary expenditure of \$54,600,000, an actual surplus for that year of receipts over expenditures of thirteen million and odd dollars. That is for the year ending June 30, 1904. The gentleman from Maine takes the statement of the Treasury Department to-day, showing an excess of expenditure over receipts of \$29,000,000—I do not remember the exact figures—and from that he argues a net deficit of expenditures over receipts of \$61,000,000, if I understood him correctly, for the present fiscal year. The gentleman has not taken into consideration the fact that expenditures are the largest for the first six or seven months of the year, and that they proportionately decrease toward the end of the year. For instance, while we had a real surplus a year ago the 30th of June last, taking out these extraordinary expenditures of \$13,000,000 we had a surplus of two or three million dollars only of receipts over expenditures on the 31st of January, 1904.

In other words, the surplus grew from that date from two or three million dollars to some thirteen million dollars at the end of the fiscal year. It is fair to suppose that the same thing will occur with reference to this fiscal year, so that the deficiency at the close of the year would not be far from \$20,000,000 instead of \$61,000,000, as estimated by the gentleman from Maine [Mr. LITTLEFIELD]. Of course, extraordinary deficiency bills may increase this amount. If gentlemen have noticed the receipts of the Treasury Department from June 30 of last year down to the present time they will find that there was a falling off of the receipts up to election and shortly afterwards, of course owing to the business depression that always comes more or less at every election; less at the last election than at any time within the memory of any one of us. But the business depression always brings about a smaller revenue, and that was apparent during the first six or seven months of this year. However, the daily sources of revenue are increasing, so that now, as compared with a year ago, the revenues from all sources are a million and a half more than they were this time a year ago. It is fair to take into consideration in that that the bulk of \$4,600,000 have been repaid since the 30th day of June on account of the St. Louis exposition loan, so that while there is an apparent gain of a million and a half of dollars there

is actually a loss of \$3,000,000, or that much less revenue this year up to this time than there was a year ago. As I say, the revenues have been increasing during the last two or three months, and if any gentleman will take occasion to compare the statements from month to month he will find that what I say is true—that the revenues have increased largely during the last two or three months, and probably will until the 30th of next June.

Therefore, the gentleman from Maine [Mr. LITTLEFIELD] has drawn too strong a picture of the deficiency that will probably come to us on the 30th day of June next.

Mr. LITTLEFIELD. Well, I am very glad to know that.

Mr. PAYNE. Now, I am in favor of retrenchment and the cutting down of appropriations, but I am in favor of a fair appropriation for the Post-Office Department. If there is any Department that ought to be treated fairly and reasonably by Congress in the matter of appropriation it is the Post-Office Department. That is the business Department, the Department that comes in contact with the business people and with all the people of the country. We ought to have good post-office facilities for carrying mail and for the interchange of communication between people. There are other matters that are liable to come before Congress—and it does not need a strong imagination to point out what they are—that are not absolutely necessary to be appropriated for during the next fiscal year, and that Congress might well leave untouched.

Mr. MINOR. Mr. Chairman, will the gentleman yield?

Mr. PAYNE. Yes.

Mr. MINOR. I think the House will welcome the statement which the gentleman from New York [Mr. PAYNE] makes, because he is the chairman of the Committee on Ways and Means, and because he is a member of the Committee on Rules.

Mr. PAYNE. No; I am not a member of the Committee on Rules.

Mr. MINOR. Well, he is a gentleman who has a great influence in the House of Representatives on this side. I think, therefore, that the gentleman will be favorable to a bill which will be reported to the House a little later, providing for public buildings.

The people and some Members of Congress seem very much alarmed, fearing that the country has been stricken with paralysis under a Republican Administration. I am not one of that kind. I think, therefore, that the Committee on Public Buildings and Grounds will prepare a bill, and we shall ask the House to pass it, and I ask the gentleman from New York [Mr. PAYNE] now if he will favor it?

Mr. PAYNE. If I favor it? Well, not as at present advised.

Mr. GAINES of Tennessee. Is the gentleman in favor of a little bit of a weakened river and harbor bill?

Mr. PAYNE. Oh, well, there is reason in all things.

Mr. GAINES of Tennessee. Well, now— [Laughter.]

Mr. PAYNE. I do not know what the gentleman from Tennessee [Mr. GAINES] means by a little bit of a weakened river and harbor bill. So far as I am concerned, I shall try to meet the questions as they come up. I am not in favor of a large deficiency. I am not in favor of any deficiency. I would rather see a little surplus each year, but fortunately the whole thing is in the control of Congress, and the patriotic spirit of the Members no doubt will evince itself, and the majority will see to it, notwithstanding the liberality of our friends on the other side who have no responsibility in the matter, that we close the session of Congress with an appropriation for the next fiscal year which will be within our income.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I would like my friend to yield to me for a minute or two.

The CHAIRMAN. The gentleman from Indiana [Mr. OVERSTREET] has control of the time.

Mr. OVERSTREET. Mr. Chairman, I think I owe it to my colleague on the committee [Mr. MOON of Tennessee] to allow him to occupy some time to-day in such manner as he chooses.

Mr. MOON of Tennessee. Mr. Chairman, before yielding the floor to the gentleman from Louisiana [Mr. RANDELL], I desire to express my sorrow at the colloquy which I have just heard. The gentleman from Maine [Mr. LITTLEFIELD] has told us that there will be some \$60,000,000 deficit soon in the Treasury. The gentleman from New York [Mr. PAYNE] congratulates the country that we will only have about \$30,000,000 deficit. It seems to me that along in the early part of October or November last before the election it was stated that we were to continue the great surplus in the Treasury and the prosperity that we have had for many years past and there would be no deficiency of national revenue. I regret that it is so. I could wish that there was that surplus still in the Treasury that was there when this Republican Administration began. We had hundreds

of millions of money, the people's taxes paid into the Federal Treasury, but we have not very much to show for it now. We are actually devising ways and means for relief and the gentleman from Maine has suggested that some method ought to be provided soon by which we may possibly continue the present expenditures by increasing, I presume, the burden of taxation upon the people.

It is certain that this country is wealthy enough to accumulate a sum larger than it had before the Republican party in the last few years exhausted in unwise expenditures the country's Treasury, but it is a question as to whether it is right or not for the Congress of the United States to exercise the taxing power to burden the people by an accumulation of taxes under an unjust tariff system and other methods, and pour their money into the Treasury to be expended recklessly, when at the end of an administration we are told that even postal facilities must be denied; that the people's right to have their mails, that the people's purpose of improving these facilities for their commercial and business uses must be stopped because of a deficiency brought about by extravagance in general administration. Mr. Chairman, if there is any one bill which comes before this House with which the House ought to deal liberally, whether the Treasury is wanting in money or not, it is the post-office appropriation bill. This bill affects more people than all other bills that come before this House directly. You must not stop the business interests of this country by cutting down this appropriation injudiciously. As a return to the Government for the appropriations made under the army and other bills we have but little. The great pension bill protects the soldiers of the country, as is ought to do, but there is no direct return to the people in dollars and cents from that measure. The vast army of officeholders which is upheld and sustained in this country might be reduced for the benefit of the people, but you can not reduce this bill in many respects without injury to the public service, and it must be remembered that in all the Departments of Government the Post-Office Department alone is the one that approaches self-support. A deficiency, it is true, of eight or ten millions of money is averaged annually, but that Department makes up from its own revenues the most of its expenditures, and will, I believe, in the coming year make up from its revenues at least \$165,000,000 of the proposed appropriation under this bill.

If, however, in the consideration of this bill—and I believe it would be wise to do so—this House feels that it ought to economize, there are items in the bill that might with propriety be left out or reduced. Why is it that the House of Representatives of the United States stands ready on every occasion to grant subsidies, gratuities out of the people's money, to railroad companies and steamship corporations? Can you not strike out that item or those items with some benefit? Can you not strike out the Oceanic steamship subsidy to Tahiti with some benefit, where the mails are carried at a cost of from eight to ten dollars per pound to the people of the United States? Can you view with some complacency the demand of the people that the Government of the United States shall take some action to reduce the cost to this Government of the transportation of mails by railroads? There is an item of \$4,000,000 on this subject in the bill which you may well consider for the purpose of reduction. But you can not, Mr. Chairman, reduce this bill very materially except upon these and perhaps some other smaller items of the bill without injury to the public service. You can reduce the number of your officers; you can reduce the salaries paid to your officers; you can put an end to the undue growth of the military establishments in the United States; you can put an end to the effort to rule and control against their will a foreign people; you can save the cost and expenditures in the Philippine Islands; you can reduce expenses materially in nearly all departments, and you ought to do it. If the Republican party had been true to the people of the United States this deficiency that now looks you in the face, which you denied just before this last election, could not possibly have existed. [Applause on the Democratic side.] Do not be surprised if it shall reach \$100,000,000 instead of \$30,000,000 or \$60,000,000, and that you will be forced to increase taxes to meet it.

If you would put an end to the deficiencies here, give the people just and fair service, reduce expenses everywhere you can except where it would directly injure the public service, as it would under this bill to reduce it too greatly. Be true to the people of the United States, and remember that you will serve the Republican party best, if, indeed, you must follow its principles and its precepts, if you will first learn to guard best the interests of the common people of a common country. [Applause on the Democratic side.]

Mr. Chairman, I desire to yield one hour, or so much thereof as he may desire to use, to the gentleman from Louisiana [Mr. RANDELL].

Mr. LITTLEFIELD. Before the gentleman takes his seat, I would like to ask a question.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. Moon] yield to the gentleman from Maine [Mr. LITTLEFIELD].

Mr. MOON of Tennessee. Certainly.

Mr. LITTLEFIELD. I infer from what the gentleman says that there is no opportunity for reduction in the post-office bill?

Mr. MOON of Tennessee. The gentleman is mistaken in this conclusion. If the gentleman had followed me closely he would have inferred, I take it, from what I said, that in many particulars in this bill there may be some reduction, that the bill might be cut down some, but as a whole there could not be any very great reduction in this particular bill.

Mr. LITTLEFIELD. That is, I suppose this committee have faithfully discharged their duty and reported a conservative bill?

Mr. MOON of Tennessee. I think they have.

Mr. LITTLEFIELD. With which the gentleman from Tennessee [Mr. Moon] agrees, except in some particulars?

Mr. MOON of Tennessee. Except in some particulars, about which the gentleman from Tennessee may be mistaken and the committee correct.

Mr. LITTLEFIELD. Does the gentleman concede that the chairman of these other various committees have been equally diligent?

Mr. MOON of Tennessee. The chairmen of the other committees?

Mr. LITTLEFIELD. Yes.

Mr. MOON of Tennessee. So far as I am aware, the chairmen of all the committees have been quite diligent and quite faithful, but I insist that the spirit of economy has not existed in the other committees of this House to the extent that it has in this particular committee consistent with the services to be rendered to the public.

Mr. LITTLEFIELD. Well, I do not know what the facts may be, but I wanted to get the gentleman's position.

Mr. MOON of Tennessee. I want to say to the gentleman from Maine [Mr. LITTLEFIELD] that I very heartily agree with his suggestion that we ought to keep our appropriations within our revenue and that if we must continue to make these appropriations we must increase the revenue; that if we increase the revenue we must tax the people; and therefore we have got to go back to the most economical administration that it is possible for us to have.

Mr. LITTLEFIELD. But the gentleman from Tennessee [Mr. Moon] made a very general criticism of the expenditures, and I infer now that he believes that the other committees have not been quite as effective and successful in the line of economical appropriation as the Post-Office Committee.

Mr. MOON of Tennessee. To be frank with the gentleman, I do not think that any committee of this House, even the Post-Office Committee, is always as economical as it ought to be consistent with the public good. It is possible they can not be, as constituted.

Mr. LITTLEFIELD. The gentleman from Tennessee [Mr. Moon] is not able now to point out the particular difficulty he finds in other bills, is he, or is he not?

Mr. MOON of Tennessee. In what other bills?

Mr. LITTLEFIELD. In appropriation bills.

Mr. MOON of Tennessee. Why, only in a general way. I would not now presume to criticize particularly any bill before the House. There is a general absence of economy here, and the spirit of economy has not existed in the House for a long time. Your policies are wrong. You have felt that you have had nothing to do but to raise revenue from the people and find some means for expending it. And you have expended it. It is gone. The people have but little return for it. The deficiency is before you. Now, make it up and account to the people for your reckless conduct in expending their money, but do not impair the best service they have. [Applause on the Democratic side.]

Mr. GAINES of Tennessee. I desire to ask my colleague [Mr. Moon] if it is not a fact that, consistently, for eight years, since he first entered Congress, he has protested against these mail subsidies?

Mr. MOON of Tennessee. Oh, yes.

Mr. GAINES of Tennessee. When we had plenty of money and when we had not plenty of money?

Mr. MOON of Tennessee. Yes, sir.

Mr. GAINES of Tennessee. How much does that subsidy amount to?

Mr. MOON of Tennessee. That is a very small matter compared with the present deficiency. The subsidy is only \$170,000 or \$180,000, but they do not count such small sums in this House.

Mr. GAINES of Tennessee. You spoke of another subsidy?



Mr. MOON of Tennessee. That was just the Tahitan subsidy.

Mr. GAINES of Tennessee. And still another.

Mr. MOON of Tennessee. They amount to only a few hundred thousand dollars, and the gentleman knows very well we do not count that as anything.

Mr. GAINES of Tennessee. You mean that the Republicans do not?

Mr. MOON of Tennessee. Yes; but as to subsidies many Democrats as well as many Republicans seem to be against the people.

Mr. RANDELL of Louisiana. Mr. Chairman, I rise to speak in support of an amendment which I intend to offer at the proper time, granting the franking privilege to State departments of education, and permitting them to send their annual and biennial reports to school and school officials free through the mails. It reads as follows:

After line 8, page 21, insert the following:

"That in order to promote the cause of free public education in the States and Territories of the Union, the Post-Office Department shall transmit free through the mails, under such regulations as the Postmaster-General may from time to time prescribe, all annual and biennial reports published by the State or Territorial departments of education, when same are addressed to any school or school official."

This would benefit education by disseminating in every part of the Union the ideas, the methods, and the experience of every other part. The State superintendents and schools of Massachusetts and New York, with their advanced methods and progressive ideas on all educational questions, would exchange their reports with the superintendents and schools of Iowa and Nebraska, which boast only 2.3 per cent of illiteracy—the smallest of any of the States in the Union. Every school library in every State in the Union would receive the reports of every State superintendent, and if anything good or worthy of emulation developed anywhere it would immediately become known everywhere. The States of the South, with their large percentage of illiteracy—one among the many curses resulting from negro slavery—would be enlightened and encouraged to renewed effort by the successes of their northern and western brethren, and in return would give them excellent ideas on the proper solution of the race question in schools and social life—the most perplexing question that ever confronted Caucasian civilization. I can well imagine that much good would result from all this, and certainly no harm. Hence it should be undertaken by all means.

Being anxious to get the views of Dr. William T. Harris, Commissioner of Education, on this subject, I wrote Secretary Hitchcock requesting same, and hold in my hands Doctor Harris's letter in response. He says:

DEPARTMENT OF THE INTERIOR, BUREAU OF EDUCATION,  
Washington, D. C., January 17, 1905.

The honorable the SECRETARY OF THE INTERIOR,

SIR: I have the honor to acknowledge by reference from your Office a copy of bill H. R. 15987, of the Fifty-eighth Congress, third session, introduced December 8, 1904, by Mr. RANDELL, Member of Congress from Louisiana, a bill "to promote public education by giving free transmission through the mails to certain educational publications," the same providing for the free transmission through the mails of all bulletins, circulars, reports, and other educational matter published by the State or Territorial departments of education when same are addressed to any school or school official.

In compliance with your request to consider and report upon said bill, I would call attention to the fact that the report of the State superintendent of public instruction in each State is the most important document of those named in the bill. It is published biennially in thirty of the States and Territories; in sixteen States and Territories it is published annually. The expense of postage for these documents for the edition sent out at present I should estimate to be on an average for each of the States and Territories \$60 a year for the annual report and \$40 per annum for each State where the report is biennial, making a total of nearly \$2,200 per annum. These annual reports contain much information regarding the problems of the rural schools of the country and of the methods and devices by which difficulties are surmounted.

These reports carry to educational superintendents and school directors outside of the State an account of the successful experience within the State. Thus each State shares in the experience of all the States, and from year to year finds and adopts new devices which have been invented and proved to be useful in some other State. An example of this is found in the invention of the system of transporting children from sparsely settled districts to schools in more populous centers. A great saving has been made in the expense of the rural schools by this system of transportation, and the quality of instruction greatly improved. This system began in Massachusetts some thirty years ago and has progressed until nearly half of the States and Territories are adopting it or considering its adoption.

Besides the annual or biennial report of the superintendent of public instruction, there are issued at times in some States bulletins and circulars communicating educational decisions with regard to the interpretation of the State law or promulgating information as to the course of study in the schools; or in relation to the statistics of attendance; or to the daily methods of instruction to be pursued and the items to be reported in the annual report in order to entitle the district to receive its annual apportionment of the State school fund. These circulars and bulletins published are of great use to the teachers in the State. They have an intense local interest but a correspondingly feeble interest to teachers and school managers of other States. The annual or biennial report of the superintendent is the one book

published which is of general value to the State and to the nation.

The general policy of the country in the management of its schools is to leave the initiative to the locality, the district, the town, the county, the State. It is a policy to cultivate local self-direction rather than submission to a central directive power. The nation shall do nothing for the State that the State can do better for itself, and so within the State the State shall do nothing for the village or city or district that the locality can manage better for itself.

In order that there shall be a success in local self-government there must be provision made for the enlightenment of the people in each locality; the experience of all sections must be collected and distributed to each section. The school committeeman of the rural school district reads in the report of his superintendent the doings of school committees in other districts of his State and learns how to avoid errors in management. He becomes acquainted with better methods than those in practice in his locality. In short, he becomes wiser in school management. This happens in thousands of school districts throughout the State. Some learn much and some learn little by their reading, but on the whole there is a great body of information on school matters that comes to be in the possession of each town and each district in the State; the consequence is the general good management of the schools of the State, for the result of the diffusion of information regarding schools is to make each citizen more or less a good critic of teaching and school management.

The collection and diffusion of information by means of the printed page of the circular, the bulletin, and the annual report have done much throughout the nation to improve school management, and wherever the most pains is taken to collect and diffuse educational information it is to be noticed that the schools impart more valuable instruction and economize the time of the pupils by rendering the progress of learning more rapid and by giving to the pupils greater practical ability to apply their knowledge.

Very respectfully, your obedient servant,

W. T. HARRIS, Commissioner.

It appears from these views of Doctor Harris that the expense of sending school reports free, as proposed by my amendment, would be so small as not to merit consideration. He estimates that if this privilege is granted the number of reports sent free would be about 36,000, which at usual rates of postage would be 6 cents each, or \$2,160. If we quadruple this and make it 144,000 reports—an exorbitant estimate—it would be only \$8,640 a year for the entire country. And it is not fair to say that it would cost the Government even this small sum of \$8,640 if 144,000 reports were sent free, because in most places this extra amount of mail matter would add nothing to the salary of the postmasters or carriers who handle it. The cost is too small to consider. The only question for us to decide is whether or not the cause is a worthy one and deserving of this aid from Congress. Let us compare it with the franking laws now on the statute books, which are as follows:

First, the Vice-President, Senators, Representatives, and Delegates in Congress, the Secretary of the Senate, and Clerk of the House may send free through the mails, under their respective franks, all public documents printed by Congress and all of their correspondence on official business.

Second, all officers of the Government may send free letters, packages, or publications relating solely to official business.

Third, all mail matter of whatever class relative to the census is free.

Fourth, agricultural and mechanical colleges, endowed under act of Congress of July 2, 1862, may send one copy of their annual report to each other similar college in the country, one to the Secretary of Agriculture, and one to the Secretary of the Interior. Experiment stations connected with these colleges, under act of March 2, 1887, may send their bulletins free to all newspapers in their respective States, and to any individual actually engaged in farming. The annual reports of these experiment stations may be sent free through the mail to any address.

Fifth, newspapers go through the mail free to any subscriber residing in the county where same are printed, in whole or in part, provided that they shall not be delivered free at letter-carrier offices.

Sixth, publications intended for the use of the blind.

Seventh, in 1881 Congress extended the franking privilege to Mrs. Julia D. Grant, widow of President U. S. Grant, and in 1886 to Mrs. Lucretia R. Garfield, widow of President James A. Garfield.

All these objects are worthy and I have no criticism to make of any of them, but surely it is as important for Congress to aid in educating our children by sending out free through the mails 144,000 school reports to vastly improve the public-school system, as it is to educate our farmers by sending out 3,000,000 bulletins and reports every year.

Mr. Wilson, Secretary of Agriculture, estimates that the agricultural and experiment stations of the various States send out annually, at a conservative figure, fully 3,000,000 reports and bulletins, and, of course, this is far more expensive than the State school superintendents' reports could ever be.

Moreover, I think, with all due respect to newspapers of the rural districts, that they are not any more entitled to consideration than school reports.

The primary cause of this franking privilege in both these

cases is to promote education by giving to the farmers absolutely free of cost all the accumulated learning of the country on topics of agriculture, and to give to these same farmers at a minimum of cost that wonderful agent of education, the modern newspaper. The precedent is therefore established, and we can logically extend it to take in educational reports.

Now, Mr. Chairman, what has our National Legislature done for free education, and how does it compare with what the citizens of each State have done?

We granted to the common schools 71,112,844 acres of land; to universities, academies, etc., 1,644,080 acres; to agricultural and mechanical colleges in land and scrip, 10,429,520 acres, making a total of 83,186,444 acres, which, estimated at \$1.25 per acre, makes the value of lands donated \$103,983,055.

The act of 1890 granted to each State for the more complete endowment and support of the colleges for the benefit of agriculture and the mechanical arts, established under provision of an act of Congress approved July 2, 1862, the sum of \$15,000 a year and an increase of \$1,000 per annum for each succeeding year until the amount reached \$25,000, which amount should then be received annually by each State. Under this grant to date these colleges have received a total of \$16,402,000, and the annual amount now received by them is \$1,200,000. Hence the total national aid to education is:

Value of lands	\$103,983,055
Cash to land-grant colleges	16,402,000
Total	120,385,055

When we consider that the income of the public schools from all sources for the year 1903 was \$251,637,119—a single year's income more than double the total amount contributed by the Government—it will be seen how little, comparatively speaking, is done by Congress for education.

To put this in another way, let us assume that the \$103,983,055 derived from lands is invested for schools at 5 per cent, and we have from that source \$5,199,152.75 a year. Add the annual donation from Congress of \$1,200,000 to the land-grant colleges and we have as the total yearly contribution of the Government to free public education the sum of \$6,399,152.75. This is not a large sum, being less than 3 per cent of the total income of \$251,637,119, but it commits the Government fully to the policy of aiding education and justifies us in asking the small additional help proposed by my amendment.

Mr. Chairman, a comparison of our total expenditures—national, state, and local—for free public schools with the amounts spent in foreign countries is very favorable to us. Chapter XXIII, Report of the Commissioner of Education for 1903, shows that the United States expended for public schools in 1902 the sum of \$2.99 per capita—practically \$3—for every man, woman, and child in the land, or a total of \$235,339,337 for the whole country during that year.

In 1901 Scotland spent per capita on her public schools \$2.02, and England and Wales only about \$1.99—two-thirds as much as we; the German Empire spent only \$1.90; France only \$1.09, about one-third as much; and Italy only 41 cents, or about one-seventh as much as the United States.

The figures for the United States for the year 1903 show a per capita of \$3.15, or a total expenditure of \$251,457,625. Education with us has gone forward with tremendous strides in the last thirty years.

In 1870 we had 20 per cent of illiterates; in 1900 we have 10.7 per cent.

In 1870 there were 116,312 public schoolhouses in the country; in 1900 there were 248,279—more than double.

In 1870 the value of school property was \$130,383,008; in 1900 the value of school property was \$601,571,307—more than four times as much.

In 1872 the value of school property per capita was \$3.38; in 1902 the value of school property per capita was \$7.68.

Mr. BELL of California. If the gentleman will permit me to interrupt him in that connection. Calculating the illiterates of this country and comparing them with those of other countries, do you explain or pay any particular attention to the negro population? That undoubtedly contributes a very large percentage of the illiterates.

Mr. RANDELL of Louisiana. I will reach that after a while.

Mr. BELL of California. Otherwise it might appear that we were spending much money for education and doing not nearly as much with it relatively.

Mr. RANDELL of Louisiana. I thank the gentleman for that suggestion. I intend to discuss that in a few moments.

But, Mr. Chairman, in spite of the fact that we spend over \$3 per capita each year on free public education, as compared with \$1.90 by Germany, \$1.99 by England, and \$1.09 by France, we had in the year 1900 an illiterate population of 6,180,069 souls,

being 10.7 per cent of the whole population, while in that year France had only 4.7 per cent of illiterates, England only 3 per cent, and Germany only 0.05 per cent. Practically everyone in Germany over 10 years of age can read and write, and with us over one-tenth are illiterates.

In Denmark, two-tenths of 1 per cent are illiterates; in Finland forty-nine one-hundredths of 1 per cent; in Switzerland, thirteen one-hundredths of 1 per cent; in Sweden and Norway, eighth-tenths of 1 per cent; in Scotland, 2.46 per cent; in the Netherlands, 2.30 per cent; in Ireland, 7.90 per cent, and in Belgium, 10.10 per cent.

When we look at the other parts of Europe, however, our feathers rise again, for Italy has 32.9 per cent of illiterates and Greece 30 per cent. Well can we exclaim of these two nations—for so many centuries the center of the world's education and culture—"How have the mighty fallen!"

Austria has 35.6 per cent of illiterates; Hungary, 47.8 per cent; Russia, 61.7 per cent; Spain, 68.1 per cent; Portugal, 79.2 per cent in 1890; Servia, 79.3 per cent in 1895, and Roumania, 88.4 per cent in 1899. It must be stated, however, that the method of arriving at these percentages in Europe is different from that in this country.

Apropos of the great struggle now going on between Russia and Japan, I would be glad to give statistics of illiteracy in the latter country, but am unable to do so authoritatively. Baron Kentaro Kaneko, of the House of Peers, Japan, in a lecture before the Geographic Society in this city on the 6th instant, which I had the pleasure of hearing, stated that in Japan education is compulsory; that every child in the Empire is forced to remain at school from the ages of 6 to 14, being taught the Japanese tongue until 10 years of age, and English from 10 to 14. According to him, every child in the land 14 years of age and over can speak English. If these statements are correct, and I have no reason to doubt them, there must be very few illiterates in Japan as compared with Russia's 61.7 per cent, and this fact probably has much to do with the success of the Japanese in their war and with the unparalleled progress of that nation in the past forty years.

Being anxious to verify Baron Kaneko's statements, I wrote the Japanese minister on the subject and he answered as follows:

LEGATION OF JAPAN,  
Washington, January 26, 1905.

HON. JOS. E. RANDELL,  
House of Representatives.

DEAR SIR: In reply to the inquiry contained in your letter of the 23d instant, I beg to say that, although I am not able to find out from the statistics the exact figure of the percentage of the illiterate, my impression is that it must be very small, if there is any at all. Our education is strictly compulsory and as that régime has been in vogue at least during the last thirty years, I can not believe there are many illiterate people in our day. The report of the department of education for 1902-3 states that the rate of school attendance per 100 children of school age who reached the limit of attendance was 95.80 for boys and 87 for girls, the average being 91.57.

As to the fuller account of the educational matters in Japan, I can do no better than to refer you to pages 742-771 of a book called "Japan in the Beginning of the Twentieth Century," which I have the pleasure of presenting to you herewith.

Yours, very truly,

K. TAKAHIRA.

Mr. Chairman, as a representative of the South, I can not in fairness close these remarks without a reference to education in my own section, for it is there, sir, in the sixteen former slave States that the great illiteracy exists, which places the United States, in respect to education, behind so many countries of the Old World.

Before proceeding, however, allow me to digress a moment, in order to repeat the beautiful and eloquent words of the gentleman from Illinois [Mr. BOUTELL], delivered at the McKinley dinner of the West End Republican Club in New York City on the 28th instant, his subject being "The South and the Republican Party." He said, in part:

McKinley always believed that the protective system would eventually bring about the social, industrial, and political regeneration of the South. In a campaign address at Petersburg, Va., in 1885, he said:

MCKINLEY'S GREETING.

"Be assured that the Republicans of the North harbor no resentments—only ask for the results of the war. They wish you the highest prosperity and greatest development. They bid you, in the language of Whittier:

"A schoolhouse plant on every hill,  
Stretching in radiate nerve lines thence,  
The quick wires of intelligence;  
Till North and South together brought  
Shall own the same electric thought;  
In peace a common flag salute,  
And, side by side in labor's free  
And unresentful rivalry,  
Harvest the fields wherein they fought."

A great and wonderful change has come over the South in the past twenty years—a change that can only be understood by contrasting the present situation in the Southern States with the conditions that existed during the ten years immediately following the civil war. No people were ever brought face to face with more utter desolation than that



which confronted the men of the South on their return from Appomattox. It was not alone that they had lost the cause for which they had fought. Their whole social, industrial, and political fabric lay in ruins. Their task was to bring a new order out of chaos, and they have triumphed gloriously.

[Applause.]

And we of the North rejoice with them in their prosperity, for are they not our people, bone of our bone, and flesh of our flesh?

I thank the gentleman, in the name of the South, for these kind and truthful words.

To resume my thought, on page 2314 of the report of Mr. Harris, Commissioner of Education, for 1902, it will be seen that he separates the country into five great divisions, two of which—the South Atlantic and South Central—comprise all the former slave States. In the South Atlantic division there were 23.9 per cent of illiterates in 1900 and in the South Central 22.9 per cent, while in the three other divisions, comprising the remainder of the Union, the percentages were 5.9 per cent, 4.2 per cent, and 6.3 per cent. This great disparity between the sections of our common country can be explained only by ascribing it to the baneful influence of slavery. That institution was not favorable to free education even among the whites, and, of course, as a rule, the slaves were illiterate, though many of them could read and write. The slaveholders were, as a body, well educated in private schools and colleges, but the poor whites, living as most of them did in sparsely settled country districts, had very meager opportunities for education, and were much more illiterate than people of the same class in the North and West. This was the condition when war came, which destroyed fully one-third of the wealth of the South, followed by reconstruction, which swept away another third. The fifteen years from 1860 to 1875 were practically lost to the South, from the standpoint of educational advantages, and she is entitled to credit for them when comparing her with other parts of the country.

She is also entitled to credit, Mr. Chairman, for the fact that 33.05 per cent of her population are negroes, who pay about one-twentieth of her taxes and receive for their education about one-fifth of her school funds. Doctor Harris estimates that the South has spent on the schools of both races since 1870 the sum of \$727,867,089, of which \$132,000,000 was for schools for the colored race. The South is doing its utmost to-day to educate every child it has, regardless of color. My own State, Louisiana, under the lead of an enlightened governor and the most progressive superintendent of education it ever had, is making immense strides. This year it will spend on its public schools \$2,600,000, and when you consider that the total assessment of all its property is only a little over \$300,000,000 you can perceive how large that sum is—almost 1 per cent of the total assessed valuation. We of Louisiana are anxious for our schools to know all that is best in education throughout our entire country, and we believe that if the measure I advocate is passed our resultant benefits will be great in the extreme.

Mr. Chairman, permit me to read from the New Haven, Conn., Register of December 25 last the views on education in the South of Prof. E. Hershey Sneath, of Yale University, who had just returned from a trip to every Southern State from Maryland to Texas. He said:

The public school system as I examined it in the various States was a constant source of revelation and delight. I was amazed to note the progress of the South in this direction. The progress is simply remarkable when we recall the fact that the South had really no public school system till some time after the civil war.

Then, with much of her property destroyed, her rich men made poor, the very flower of her manhood cut down, and with her hopes defeated on the wreck and ruin of the war, she has built up a public school system in every State worthy of high commendation, both from the standpoint of organization and instruction. They have accomplished this in the midst of difficulties other than those which I have just mentioned. They have contended with inherited prejudices with reference to public school education.

Prior to the war the private teacher and the private school were the main sources of education, and it was difficult for the proud spirit of the South to take a cordial attitude toward such a democratic movement as was involved in this public school system of instruction.

Then came the race problem. One who has not mingled with the southern people can not appreciate the real nature of it. So far as it bore upon the public school question, it was solved by the South by establishing two school systems, one for the whites, one for the blacks; and let me say right here, that when people talk about the South hatred for the negro they might do well to visit the South and see just how much ground there is for such talk.

The South has done and is doing great things for the colored people. They are giving them splendid school advantages, and are really as generous in their disbursement of funds for the education of the negro as for the education of the whites. The so-called "class hatred" that I have heard so much about failed to be in evidence. On the other hand, I saw splendid evidences of generosity to the negro and much practical philanthropy. This solution of the race problem, so far as it bears on the school, has necessitated really two public school systems, involving a duplication of the educational plant and a material increase in the teaching force, so that the financial burden which the South has had to carry in building up her school system has been very heavy.

Furthermore, in most of the cities which I visited they do not believe in coeducation in the high school. They have a boys' and a girls'

high school. This means another duplication, and, of course, an additional financial burden. Notwithstanding all this, the South has a great school organization, and in many quarters very efficient instruction. All of this is a splendid testimonial to the indomitable spirit of the South and to its sublime moral courage.

Every lover of humanity ought to be thankful for this great achievement. One of the South's greatest educational problems is the education of the white illiterates. The percentage of this element is exceptionally large. The problem is very difficult, especially so because so many of these illiterates do not live in cities, and the rural school problem in the South is a much more serious one than in the North, and here it is certainly difficult enough.

This excessive difficulty is due to the fact that the enormous stretches of country are but thinly populated, so that it becomes very difficult to maintain schools which make it convenient and practical to educate these people. I heard this question of rural schools discussed at a State conference and was greatly impressed by the earnest thought given to it.

The South, however, is vigorously dealing with the illiteracy of the whites, and the last two decades have witnessed a reduction of more than 10 per cent.

A difficulty that goes with the rural school problem is how to secure efficient instruction because of the inadequate financial support of the teachers. Here again the South is putting forth splendid effort. I also heard a discussion at a State conference of superintendents, at which it was resolved to enter upon a crusade against inefficiency and in favor of better school-teachers.

The spirit of loyalty to high ideals was positively inspiring. This difficulty is being met also by the people in different quarters with a spirit of self-sacrifice manifested by taxation for school purposes.

The educators of the South greet their northern brethren with most friendly spirit and welcome every true movement made toward helping them in their work. The press also is generous in its welcome and gives large space in its columns to inform the people of any movement looking toward the betterment of educational conditions in the South.

Mr. Chairman, I earnestly commend all my hearers to read carefully and consider well the kindly, eloquent, and truthful words of Professor Sneath. We of the South ask no favors, but plead for simple justice. In the words of the President, we wish a "square deal." We get no part of the vast sums—upward of \$140,000,000 a year—paid out in pensions, which enrich your States beyond the dreams of avarice. We do not complain of this, but here is a chance to give us our pro rata of a pitiful sum for education. Surely you will not refuse it. We wish to eradicate the dark blot of ignorance which hangs like a sable cloud over the fair land of Dixie, and for which you of the North are just as responsible as we of the South. We wish to take our stand in education, in statesmanship, in everything, as true children of the immortal trio George Washington, Thomas Jefferson, and James Madison, the great fathers of our Republic and of our Southland. Help us in this laudable ambition; help the 10,000,000 blacks, now so illiterate, who will number 50,000,000 before the close of this century; help yourselves; help the whole Union by giving to the glorious cause of free public education the small boon I ask of you in the name of all the students and school children of our fatherland. [Loud applause.]

Mr. MOON of Tennessee. I yield five minutes to the gentleman from Texas.

Mr. BURGESS. Mr. Chairman, I have listened with much interest to the splendid address just delivered by my colleague from Louisiana, and I feel impelled to say, in addition to what he has so well said, that much misapprehension exists in other sections with reference to the education of the colored people in the South. Take, for instance, the State of Texas, which in part I have the honor to represent. We have an immense school fund, running up into the millions, derived from the sale of public domain which was reserved to the State when it was annexed to the United States. This fund has been continually, in each successive constitutional convention, set aside for a common-school education of the citizens of the State; and from the beginning down to this good hour it has been equally divided among the races, in proportion to the scholastic population, dollar for dollar, black and white. That is the rule now, and there has never been practically any agitation in my State seeking to change that equitable distribution of the fund arising from domain won by the fathers in the Texas revolution when they separated from their parent country.

I have taken some trouble in correspondence with the superintendents of education in the different Southern States in the last few years to inquire particularly into this matter, and I find no State of the South now which has any discriminating laws against the colored race in the matter of educational expenditures.

I merely wish now to call attention to this fact, and the attention of my colleagues on that side and of the country, as one of the proofs that the charge that we of the South are not doing the best for that race which can be done does not rest upon satisfactory evidence; that the highest evidence of our disposition in the matter is the fact that while we bear the burden of taxation, while we have great funds derived from public lands won when the negro was not a citizen, we have utilized it equally for the benefit of both races, and so far as the race problem is concerned in the South the prevailing idea may be summed up in a breath: It is the disposition there on the part

of a patriotic citizenship, grappling with a great and unsolved problem, to rely on time and education and the providence of God to work it out in the very best way for a great common country. [Loud general applause.]

Mr. OVERSTREET. Mr. Chairman, I would like to ask the gentleman from Tennessee if he wishes to occupy any further time to-night?

Mr. MOON of Tennessee. Not to-night, and only a little time to-morrow.

Mr. OVERSTREET. Then, Mr. Chairman, I move the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17865, and had come to no resolution thereon.

#### CARRYING OBSCENE LITERATURE FROM ONE STATE OR TERRITORY INTO ANOTHER.

The SPEAKER laid before the House the following resolution of the Senate; which was read, considered, and agreed to:

IN THE SENATE OF THE UNITED STATES,  
January 31, 1905.

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3431) to amend the act of February 8, 1897, entitled "An act to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory," so as to prevent the importation and exportation of the same.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1492. An act for the relief of the widow and children of Daniel McDonough, deceased—to the Committee on Claims.

S. 3843. An act providing for the hearing of cases upon appeal in the circuit court of appeals for the ninth district in the State of Washington—to the Committee on the Judiciary.

S. 5799. An act to provide for the extension of time within which homestead settlers may establish their residence upon certain lands which were heretofore a part of the Rosebud Indian Reservation within the limits of Gregory County, S. Dak., and upon certain lands which were heretofore a part of the Devils Lake Indian Reservation, in the State of North Dakota—to the Committee on the Public Lands.

S. 6761. An act making an appropriation and providing for the construction of a United States revenue cutter for service in the harbor of San Francisco, State of California—to the Committee on Interstate and Foreign Commerce.

#### BUILDING FOR USE OF CUSTOMS SERVICE AT FORT MORGAN, ALA.

By unanimous consent, reference of the bill (H. R. 18524) authorizing the construction upon the military reservation at Fort Morgan, Ala., of a suitable building for the use and accommodation of the customs service was changed from the Committee on Military Affairs to the Committee on Public Buildings and Grounds.

#### WITHDRAWAL OF PAPERS FROM FILES.

Mr. HULL, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Capt. Tenodore Ten Eyck, Fifty-first, Fifty-second, Fifty-fourth, and Fifty-seventh Congresses, no adverse report having been made thereon.

Mr. CROWLEY, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Amaranda Somerville, H. R. 12168, no adverse report having been made thereon.

#### ADJOURNMENT.

Mr. OVERSTREET. I move that the House do now adjourn. The motion was agreed to.

Accordingly (at 5 o'clock p. m.) the House adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an estimate of appropriation for the improvement of the jail in the District of Columbia—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for certain navy-yards

and docks—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting papers relating to promotion of Capt. Edward I. Grumley—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a list of judgments rendered by the Court of Claims—to the Committee on Appropriations, and ordered to be printed.

A letter from the vice-president of the Anacostia and Potomac River Railroad Company, transmitting report for the year ended December 31, 1904—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the vice-president of the Georgetown and Tenallytown Railway Company, transmitting the report for the year ended December 31, 1904—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the vice-president of the Washington Railway and Electric Company, transmitting the report for the year ended December 31, 1904—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the vice-president of the Brightwood Railway Company, transmitting the report for the year ended December 31, 1904—to the Committee on the District of Columbia, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17935) authorizing the Louisa and Fort Gay Bridge Company, of Louisa, Ky., to erect a bridge across the Tug and Louisa forks of the Big Sandy River, reported the same with amendment, accompanied by a report (No. 4089); which said bill and report were referred to the House Calendar.

Mr. LITTLEFIELD, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 7298) to remove discriminations against American sailing vessels in the coasting trade, reported the same with amendment, accompanied by a report (No. 4090); which said bill and report were referred to the House Calendar.

Mr. MEYER of Louisiana, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 18363) authorizing the Secretary of the Navy to construct a good drained road at the naval station, New Orleans, La., reported the same without amendment, accompanied by a report (No. 4091); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMSON, from the Committee on Irrigation of Arid Lands, to which was referred the bill of the Senate (S. 6312) providing for the construction of irrigation and reclamation works in certain lakes and rivers, reported the same with amendment, accompanied by a report (No. 4090); which said bill and report were referred to the House Calendar.

Mr. TOWNSEND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House H. R. 10431 and sundry other bills, reported in lieu thereof a bill (H. R. 18588) to supplement and amend the act entitled "An act to regulate commerce," approved February 4, 1887, accompanied by a report (No. 4093); which said bill and report, together with the minority views, were referred to the Committee of the Whole House on the state of the Union.

Mr. BROWN of Wisconsin, from the Committee on Mines and Mining, to which was referred the bill of the Senate (S. 3298) to amend section 2326 of the Revised Statutes of the United States, relative to mining claims, reported the same without amendment, accompanied by a report (No. 4095); which said bill and report were referred to the House Calendar.

Mr. COWHERD, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 16917) to provide for condemning the land necessary for joining Kalorama avenue and Prescott place, reported the same without amendment, accompanied by a report (No. 4097); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 18042) for the construction of a private conduit across D street NW., reported the same with amendment, accompanied by a report (No. 4098); which said bill and report were referred to the Committee of the Whole House on the state of the Union.



He also, from the same committee, to which was referred the bill of the House (H. R. 17585) authorizing the extension of Rhode Island avenue NE., reported the same with amendment, accompanied by a report (No. 4099); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 6088) authorizing the closing of part of an alley in square No. 733, in the city of Washington, D. C., reported the same without amendment, accompanied by a report (No. 4100); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House H. R. 17239, reported in lieu thereof a resolution (H. Res. 479) referring to the Court of Claims the papers in the case of Annie White, accompanied by a report (No. 4096); which said resolution and report were referred to the Private Calendar.

#### ADVERSE REPORTS.

Under clause 2, Rule XIII,

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 3503) to amend the record of Maj. John Murphy, reported the same adversely, accompanied by a report (No. 4094); which said bill and report were ordered to be laid on the table.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 7519) granting an increase of pension to James Lyons—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16628) granting an increase of pension to Charles E. Eberhart—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18474) granting a pension to Kate T. Dimon—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 18479) granting a pension to Hettie Fletcher—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15265) for the relief of the heirs of Asa O. Gallup—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 6381) granting a pension to Chester Heiner—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6403) granting an increase of pension to George A. Marshall—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18573) granting a pension to Mrs. W. P. Featherstone—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ROBINSON of Arkansas: A bill (H. R. 18585) granting the power to the Interstate Commerce Commission to prescribe a reasonable rate for the transportation of freight and passengers in all cases wherein the existing rate shall be found to be unreasonable and unjust—to the Committee on Interstate and Foreign Commerce.

By Mr. HERMANN: A bill (H. R. 18586) to aid in quieting title to certain lands within the Klamath Indian Reservation, in the State of Oregon—to the Committee on Indian Affairs.

By Mr. CAMPBELL: A bill (H. R. 18587) relating to commutations of homestead entries, and to confirm such entries when commutation proofs were received by local land officers prematurely—to the Committee on the Public Lands.

By Mr. TOWNSEND, from the Committee on Interstate and Foreign Commerce: A bill (H. R. 18588) to supplement and amend the act entitled "An act to regulate commerce," approved February 4, 1887—to the Union Calendar.

By Mr. BABCOCK: A bill (H. R. 18589) to amend an act

entitled "An act to establish a code of law for the District of Columbia"—to the Committee on the District of Columbia.

Also, a bill (H. R. 18590) to amend section 605 of the Code of Law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. OVERSTREET: A bill (H. R. 18591) defining certain publications of the second class, and fixing the rate of postage thereon—to the Committee on the Post-Office and Post-Roads.

By Mr. LITTLE: A bill (H. R. 18592) to establish a commissioner's court at Madill, Ind. T., and for other purposes—to the Committee on the Judiciary.

By Mr. BOWERS: A bill (H. R. 18593) to acquire certain ground in the District of Columbia for a Government reservation—to the Committee on the District of Columbia.

By Mr. JENKINS: A bill (H. R. 18594) to prevent the fraudulent naturalization of aliens—to the Committee on Immigration and Naturalization.

By Mr. ROBINSON of Arkansas: A bill (H. R. 18595) declaring all persons or associations of persons, joint stock companies, corporations, or associations of such companies or corporations, owning or operating or owning and operating private freight cars used in interstate commerce to be common carriers and subject to the provisions of the act to regulate commerce, approved February 4, 1887, and all acts amendatory thereof or supplemental thereto—to the Committee on Interstate and Foreign Commerce.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 18596) to authorize the county of Quitman to construct a bridge across Coldwater River, Mississippi—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 18597) to authorize the county of Quitman to construct a bridge across the Tallahatchie River, Mississippi—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 18598) to authorize the county of Quitman to construct a bridge across Coldwater River, Mississippi—to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER, from the Committee on Claims: A resolution (H. Res. 479) referring to the Court of Claims H. R. 17239—to the Private Calendar.

By Mr. BABCOCK: Memorial from the legislature of the State of Wisconsin, relative to the laws on interstate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. MARSHALL: Memorial from the legislature of the State of North Dakota, protesting against the application of the Millers' Association for a reduction of the tariff on wheat in certain cases—to the Committee on Ways and Means.

Also, memorial from the house of representatives of the State of North Dakota, protesting against reduction of tariff on foreign products and on seed wheat from Canadian Northwest—to the Committee on Ways and Means.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AMES: A bill (H. R. 18599) for the relief of Lincoln C. Andrews—to the Committee on Claims.

Also, a bill (H. R. 18600) for the relief of Isiah P. Smith—to the Committee on Military Affairs.

By Mr. BURKE: A bill (H. R. 18601) granting an increase of pension to Edmond W. Eakin—to the Committee on Invalid Pensions.

By Mr. BURKETT: A bill (H. R. 18602) granting an increase of pension to L. D. Bennett—to the Committee on Invalid Pensions.

By Mr. CONNELL: A bill (H. R. 18603) granting an increase of pension to Cornelius W. Smith—to the Committee on Invalid Pensions.

By Mr. CROWLEY: A bill (H. R. 18604) granting an increase of pension to Charles Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18605) granting an increase of pension to George M. Vincil—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18606) granting an increase of pension to George W. Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18607) granting an increase of pension to William C. Alexander—to the Committee on Invalid Pensions.

By Mr. DAVIS of Florida: A bill (H. R. 18608) for the relief of J. B. Roberts—to the Committee on Claims.

By Mr. DAYTON: A bill (H. R. 18609) granting an increase of pension to Mrs. N. N. Hoffman—to the Committee on Pensions.

By Mr. DRESSER: A bill (H. R. 18610) granting a pension to Samuel Dolby—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 18611) granting an honorable discharge to John B. Tredenick—to the Committee on Military Affairs.

By Mr. HERMANN: A bill (H. R. 18612) granting a pension to Amos H. Hampton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18613) granting an increase of pension to Elias Phelps—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 18614) for the relief of Martin H. Avey—to the Committee on War Claims.

By Mr. LAFEAN: A bill (H. R. 18615) granting an increase of pension to Jeremiah Carbaugh—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 18616) granting an increase of pension to Margaret Thurston—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 18617) granting an increase of pension to Charles Dorin—to the Committee on Invalid Pensions.

By Mr. MEYER of Louisiana: A bill (H. R. 18618) for the relief of W. G. Wheeler—to the Committee on War Claims.

Also, a bill (H. R. 18619) for the relief of Louise Powers McKee, administratrix—to the Committee on Claims.

By Mr. McLAIN: A bill (H. R. 18620) for relief of estate of the late James Makoy—to the Committee on War Claims.

By Mr. PAYNE: A bill (H. R. 18621) granting a pension to Louise M. Atkins—to the Committee on Pensions.

By Mr. PORTER: A bill (H. R. 18622) removing the charge of desertion against the name of Joseph B. Moyer—to the Committee on Military Affairs.

By Mr. REEDER: A bill (H. R. 18623) granting a pension to Samuel Dolloff—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 18624) for the relief of the estate of Susan Richards, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18625) for the relief of John S. Mann and the estate of Lewis W. Mann, deceased—to the Committee on War Claims.

By Mr. SHERLEY: A bill (H. R. 18626) granting an increase of pension to John T. Gathright—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 18627) for the relief of Levi G. Ballard, of Chester County, Tenn.—to the Committee on Military Affairs.

By Mr. STEENERSON: A bill (H. R. 18628) granting an increase of pension to Anthony Weaver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18629) granting a pension to George Arthur Rowe—to the Committee on Invalid Pensions.

By Mr. TATE: A bill (H. R. 18630) granting an increase of pension to Tenora Merrill Flake—to the Committee on Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 18631) granting an increase of pension to Henry D. Fulton—to the Committee on Invalid Pensions.

By Mr. CROWLEY: A bill (H. R. 18632) granting an increase of pension to James O. Pipher—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Cahuenga Valley Lemon Exchange, of Los Angeles County, Cal., favoring increase of powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of the District of Columbia, protesting against legislation establishing a whipping post—to the Committee on the District of Columbia.

Also, petition of citizens of Beach, Ind. T., asking a postponement of the Indian Territory statehood consummation—to the Committee on the Territories.

Also, petition of the executive council of the Workingmen's Federation of New York, favoring an increase of salary for letter carriers—to the Committee on the Post-Office and Post Roads.

By Mr. ADAMS of Pennsylvania: Petition of the Woman's Christian Temperance Union of Philadelphia Pa., favoring legislation tending to the betterment of the condition of the rank and file of the Army—to the Committee on Military Affairs.

By Mr. BARTLETT: Petition of the Macon (Ga.) Division, No. 123, Order of Railway Conductors, favoring bill H. R. 7042—to the Committee on the Judiciary.

By Mr. BASSETT: Petition of Philip S. Tilden, of New York, against the Jenkins anti-injunction bill—to the Committee on the Judiciary.

By Mr. BURKETT: Petition of Whitehead Post, No. 114, Grand Army of the Republic, Department of Nebraska, favoring passage of bill H. R. 13986—to the Committee on Invalid Pensions.

Also, petition of the Nebraska Dairymen's Association, of Gibbon, Nebr., against repeal of the oleomargarine law—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Lloyd D. Bennett—to the Committee on Invalid Pensions.

By Mr. CONNELL: Petition of the Pennsylvania Lumberman's Protective Association, urging passage of bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Business League, favoring Government control of freight rates on railways—to the Committee on Interstate and Foreign Commerce.

Also, petition of John H. Musser, M. D., of Philadelphia, president of the American Medical Association, favoring passage of bill H. R. 17355—to the Committee on the Judiciary.

Also, petition of citizens of Mount Cobb, Pa., favoring stringent laws governing immigration—to the Committee on Immigration and Naturalization.

Also, petition of the thirty-sixth legislative assembly of New Mexico, protesting against the statehood bill providing for admission of New Mexico and Arizona as one State—to the Committee on the Territories.

By Mr. CROMER: Petition of the Indiana Hard Wood Lumbermen's Association, favoring Federal control of railway rates—to the Committee on Interstate and Foreign Commerce.

By Mr. CROWLEY: Paper to accompany bill for relief of George W. Walker—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Charles Johnson—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William K. Spencer—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of George W. Vincie—to the Committee on Invalid Pensions.

By Mr. DEEMER: Petition of R. D. Simpson et al., of the Patriotic Order Sons of America, favoring a law restricting immigration—to the Committee on Immigration and Naturalization.

By Mr. FITZGERALD: Petition of the Denver Chamber of Commerce and Board of Trade, against any reduction of tariff on raw or refined sugar—to the Committee on Ways and Means.

By Mr. HITT: Petition of the Chicago Board of Trade, the Illinois Manufacturers' Association, and the Chicago Shippers' Association, for enlarged powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. HOUSTON: Petition of citizens of Delaware, against such enormous military expenditures—to the Committee on Military Affairs.

By Mr. HULL: Petition of the Interstate Commerce Law Convention at St. Louis, October 28 and 29, asking relief from unjust discrimination in freight rates on railways—to the Committee on Interstate and Foreign Commerce.

By Mr. HUMPHREY of Washington: Paper to accompany bill for relief of heirs of Mrs. C. M. J. Williamson (H. R. 16374)—to the Committee on War Claims.

By Mr. JACKSON of Ohio: Petition of the Brotherhood of Locomotive Engineers of Gallon, Ohio, favoring bill H. R. 7041—to the Committee on the Judiciary.

By Mr. LACEY: Petition of the Iowa Park Association, upon various measures favorable to forest improvement, extension, preservation, etc.—to the Committee on the Public Lands.

By Mr. LAFEAN: Petition of William H. Hummer et al., of the Patriotic Order Sons of America, favoring stringent immigration laws—to the Committee on Immigration and Naturalization.

By Mr. LITTAUER: Paper to accompany bill for relief of Margaret Thurston—to the Committee on Invalid Pensions.

By Mr. MAHON: Petition of Washington Camp, No. 677, Patriotic Order Sons of America, of Laurelton, Union County, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MARTIN: Petition of citizens of South Dakota, favoring amendment of the homestead laws—to the Committee on the Public Lands.

By Mr. MAYNARD: Paper to accompany bill for relief of Charles Dorin—to the Committee on Invalid Pensions.

By Mr. McLAIN: Petition of Pearl Lodge, No. 264, Brotherhood of Railway Trainmen, of McComb, Miss., favoring bill H. R. 7041—to the Committee on the Judiciary.

Also, petition of the North Mississippi Conference of the Methodist Episcopal Church, favoring bill H. R. 4072—to the Committee on the Judiciary.



By Mr. MEYER of Louisiana: Resolution of the New Orleans Board of Trade, against unskilled pilotage of deep-draft seagoing vessels through the jetties or South Pass at the mouth of the Mississippi River—to the Committee on Rivers and Harbors.

Also, house concurrent resolution No. 11, for divorcing the Mississippi River from the Red and Atchafalaya rivers, and for immediate completion of the locks at Bayou Plaquemine, and the improvement of that navigation—to the Committee on Rivers and Harbors.

By Mr. MOON of Pennsylvania: Petition of the Young People's Society Christian Endeavor of the Heidelberg Reformed Church, of Philadelphia, against sale of liquor on Government premises—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Electric Storage Battery Company, favoring the Lovering bill amending the customs drawback law—to the Committee on Ways and Means.

Also, petition of citizens of Hortons, Pa., against law regarding Sabbath observance in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHERLEY: Paper to accompany bill for relief of John T. Gathright—to the Committee on Invalid Pensions.

By Mr. TATE: Paper to accompany bill for relief of Lenora Merrill Flake—to the Committee on Pensions.

By Mr. TOWNSEND: Petition of John C. Fisher and 3 others, of Ann Arbor, Mich., against the passage of the domestic parcels-post bill—to the Committee on the Post-Office and Post-Roads.

## SENATE.

WEDNESDAY, February 1, 1905.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

### LOUISIANA PURCHASE EXPOSITION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, requesting that an appropriation of \$100,000 be made to reimburse the Louisiana Purchase Exposition Company for money expended in connection with the Philippine exhibit under contract; which was referred to the Committee on Appropriations, and ordered to be printed.

### CONVICTIONS FOR WIFE BEATING.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 24th ultimo, a report of Judge I. G. Kimball, of the police court of the District of Columbia, relative to the number of convictions for wife beating in the police court of the District of Columbia for the calendar years 1900, 1901, 1902, 1903, and 1904; which, with the accompanying paper, was referred to the Committee on the District of Columbia, and ordered to be printed.

### CITY AND SUBURBAN RAILWAY.

The PRESIDENT pro tempore laid before the Senate the annual report of the City and Suburban Railway of Washington for the year ended December 31, 1904; which was referred to the Committee on the District of Columbia, and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 17473) making appropriations for the support of the Army for the fiscal year ending June 30, 1906, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. CAPRON, and Mr. HAY managers at the conference on the part of the House.

The message also announced that the House had passed the joint resolution (S. R. 96) authorizing the temporary use of certain vacant houses in square 686 in the city of Washington, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the

Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes.

The message also returned to the Senate, in compliance with its request, the bill (S. 3431) to amend the act of February 8, 1897, entitled "An act to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one state or Territory into another State or Territory," so as to prevent the importation and exportation of the same.

### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of the legislative assembly of Arizona, remonstrating against the annexation of a part of that Territory to the State of Utah; which was referred to the Committee on Territories, and ordered to be printed in the RECORD, as follows:

TERRITORY OF ARIZONA,  
Office of the Secretary.

UNITED STATES OF AMERICA,  
Territory of Arizona, ss:

I, W. F. NICHOLS, secretary of the Territory of Arizona, do hereby certify that the annexed is a true and complete transcript of house memorial No. 2, which was filed in this office the 27th day of January, A. D. 1904, at 1 o'clock p. m., as provided by law.

In testimony whereof, I have hereunto set my hand and affixed the seal of the Territory of Arizona, at the city of Phoenix, the capital, this 27th day of January, A. D. 1905.

W. F. NICHOLS,  
Secretary of the Territory of Arizona.

### House memorial No. 2.

To the Senate and House of Representatives of the United States:

Your memorialists, the twenty-third legislative assembly of the Territory of Arizona, respectfully represent that:

Whereas an attempt is now being made before the Congress of the United States to provide for the annexation to the State of Utah of all that portion of the Territory of Arizona lying north and west of the Colorado River; and

Whereas the members of former legislative assemblies of the Territory of Arizona, who have carefully investigated the matter and have been fully advised, declare that the territory sought to be acquired by the State of Utah from Arizona comprises an area nearly as large as the State of Massachusetts; that it is rich in mineral resources, containing vast areas of valuable timber and grazing lands and thousands of acres of lands that can readily be brought under cultivation by a system of water storage and irrigation; that said tract is of inestimable value and important to the Territory of Arizona as a source of revenue and a field of industry and husbandry; and

Whereas the said tract is traversed from east to west by the Grand Canyon of the Colorado River, the most marvelous and majestic of all nature's handiwork of world-wide fame, and which has always been peculiarly and exclusively an Arizona endowment: Therefore,

Your memorialists respectfully declare that the people of the Territory of Arizona, through the members of the legislative assembly, are unalterably opposed to the annexation of any portion of said tract to the State of Utah, and earnestly protest against the enactment by Congress of any measure designed to accomplish such purpose, and request that the domain of Arizona be protected by Congress against the proposed unjust and indefensible encroachment by the State of Utah.

The secretary of the Territory is directed to forward one copy of this memorial to the President of the Senate, one copy to the Speaker of the House, and one copy to our Delegate to Congress.

WILFRED T. WEBB,  
Speaker of the House.

GEO. W. P. HUNT,  
President of the Council.

The PRESIDENT pro tempore presented a petition of the legislative assembly of Arizona, relative to an increase in the number of associate justices of the supreme court of that Territory; which was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

TERRITORY OF ARIZONA,  
Office of the Secretary.

UNITED STATES OF AMERICA,  
Territory of Arizona, ss:

I, W. F. NICHOLS, secretary of the Territory of Arizona, do hereby certify that the annexed is a true and complete transcript of council memorial No. 1, and which was filed in this office the 26th day of January, A. D. 1905, at 12:30 o'clock p. m., as prescribed by law.

In testimony whereof I have hereunto set my hand and affixed the seal of the Territory of Arizona at the city of Phoenix, the capital, this 26th day of January, A. D. 1905.

W. F. NICHOLS,  
Secretary of the Territory of Arizona.  
Council memorial No. 1.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the legislative assembly of the Territory of Arizona, respectfully represent:

That by your act of February 11, 1891, it was provided that thereafter the supreme court of the Territory should consist of a chief justice and three associate justices, and that this Territory should be divided into four judicial districts, district courts in each of which should be presided over, respectively, by the said justices;

That by law these justices have devolved upon them the jurisdiction of all Federal causes arising in their several districts, of causes at